

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 194 of 2023.

KANAI BASFORE – VS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
08.8.2023

For the Applicant : Mr. S.Bhattacharjee,
Advocate.
For the State Respondents : Mr. M.N. Roy,
Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt. – II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The primary issue in this application is whether the applicant was engaged against any sanctioned post or not. The applicant has prayed for setting aside the impugned reasoned order passed by the respondent – Principal Secretary, Department of Correctional Administration on 25.3.2022. Such reasoned order was passed in terms of direction of this Tribunal in OA 352 of 2020. According to Mr. S. Bhattacharjee, learned counsel appearing for the applicant, this applicant was indeed engaged against a sanctioned post as evident from Memo 1268 dated 29.4.2020 issued by the Superintendent, Balurghat Central Correctional Home.

On closure examination of the reasoned order, the Tribunal's attention is drawn to para 6 in which the Principal Secretary has stated that the applicant was not sanctioned against any post nor any supporting documents are available to support this claim. The reasoned order also has a reference to Memo No. 1126 dated 25.3.2022 issued by the AIG HQ and Memo 926 dated 24-03-2022 issued by the Superintendent. It is the opinion of this Tribunal that examination of these two memos is necessary to determine the merit of the case. Let the copies of memo 926

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dated 24.3.2022 and memo 1126 dated 25.3.2022 be filed by the respondent department before this Tribunal on the next date. Let the matter appear under the heading "For Orders" on 10th January, 2024.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.

WEST BENGAL ADMINISTRATIVE TRIBUNAL