

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. – OA 25 OF 2022

PRASANTA SARKAR – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. Debabrata Mondal,
and Advocate
Date of For the State Respondent : Mr. G.P. Banerjee,
order Advocate

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05.07.2023

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 counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authorities to allow the applicant to join his duties and to pay his due salaries after setting aside the impugned order dated 19.12.2019 passed by the Superintendent of Police, Hooghly (Rural). This final order was passed after conclusion of the departmental proceedings and by this order, the applicant was dismissed from service. The order also states that the absent period from 04.04.2016 to 05.02.2018 totalling 672 days and again from 09.05.2018 to 19.12.2019 be treated as 'dies non' for all purposes.

Submission of Mr. Debabrata Mondal, learned counsel is that the applicant has preferred an appeal addressed to the Deputy Inspector General of Police, Burdwan Range, Hooghly on 04.08.2021.

Responding on behalf of the respondents, Mr. G.P. Banerjee, learned counsel for the respondents submits that the applicant has failed to prefer an appeal within the time limit set by the law. Therefore, this appeal preferred before the Deputy Inspector General of Police, Burdwan Range, Hooghly dated 04.08.2021 is well after the time limit as prescribed in the Police Regulation of Bengal, 1943 since the final order of dismissal was issued on 19.12.2019.

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Mr. Mondal submits that the applicant was not in proper health to furnish such an appeal within the time limit.

After hearing the submission of the learned counsels, it is the opinion of the Tribunal that an appeal against the final order passed was filed after three years. Therefore, the point of limitation is to be considered. Further, as per the Police Regulation of Bengal, 1943, the time limit for submitting an appeal against the Disciplinary Authority's order is only 37 days. In this case, the applicant has himself preferred an appeal on 04.08.2021 which is after three years. Therefore, the appeal before the Appellate Authority is not valid.

In view of the above observations, the Tribunal disposes of this application without passing any order.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.

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