

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 316 OF 2024

MEGHNATH PAYAL - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

03
10.01.2025

For the Applicant	:	Ms.R.Ghatak Advocate
For the State Respondents	:	Mr.Goutam Pathak Banerjee 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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to give appointment letter in favour of the applicant to the post of Constable (Male).

Having heard the submissions of the learned counsels and the relevant records referred to in this application, it is understood that the applicant was successful in the recruitment process and was provisionally selected to the post of Constable (Male) in West Bengal Police by a panel published on 10.12.2005. However, the respondent authorities declined to issue him the appointment letter on the ground that the applicant was involved in a criminal case. Submission of Ms.Ghatak is that though such case was closed after acquittal of the applicant in the year 2020, but the respondent authorities declined to give him the appointment letter. It has also been submitted that on 10.09.2021, the Superintendent of Police had conducted two Medical Examinations of the applicant.

On being asked why the applicant having been acquitted not offered appointment letter even though his medical test conducted after his acquittal, Mr.G.P.Banerjee, learned counsel presents a copy of Memo. 233 dated 19.04.2023. The Memo. appears to be a correspondence from Deputy Inspector General of Police (HQ) addressed to the Superintendent of Police, Hooghly Rural Police District informing the appointment of the applicant - Meghnath Payal to a post of Constable cannot be considered in terms of Clause (ii) of the G.O. No. 1835-P.S. dated 04.08.1977. Mr.Banerjee points out para 2 of this G.O. No. 1835-P.S., the relevant portion is as under:

“a candidate with a record of past criminal activities may be declared unsuitable for employment under the State Government.”

A copy of this Memo. has been served upon Ms.Ghatak.

It is the finding of the Tribunal that since the prayer in this application was for a direction to give appointment letter and since this new fact has emerged before this Tribunal today, the prayer has become infructuous. Since a new cause of action has arisen from this presentation of this Memo., the prayer in this application has infructuous and thus, disposed of.

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