

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 395 OF 2020

SANJIB SARKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr. Ambu Bindu Chakraborty,
Advocate

07
11.03.2021

For the State respondents

: Mr. Goutam Pathak Banerjee,
Advocate

It is submitted by Mr. Ambu Bindu Chakraborty, learned advocate for the applicant that due to his fault he could not mention on 22nd December, 2021, when the matter was taken up for hearing that Superintendent of Police, Purba Midnapore is a necessary party and Superintendent of Police, Purba Midnapore be added as a party respondent by amending the cause title of the application and for a direction upon him to dispose of the representations dated 26th March, 2019 and 24th November, 2019 after recalling the order dated 22nd December, 2021.

Mr. Gautam Pathak Banerjee, learned advocate appearing on behalf of the State respondents does not oppose the said prayer.

As submitted by Mr. Chakraborty and agreed to by Mr. Banerjee, the order dated 22nd December, 2021 is recalled.

As prayed for leave granted to the applicant to add the Superintendent of Police, Purba Midnapore as a party respondent no.7 by amending the cause title of the original application in course of this day.

In the application Sanjib Sarkar, the applicant, a Constable under West Bengal Police, at present posted at Nanda Kumar Police Station in the district of Purba Midnapore, has prayed for several reliefs, the relevant portion of which is as under:-

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“(a) An order do issue directing the respondent concerned to give effect of service benefit as Constable under West Bengal Police since the date of first appointment i.e. 26th May 2004 instead of 26th June 2015 to the applicant;

(b) Direction upon the respondent police authorities to take all necessary steps to give service benefit including promotional and other benefit to the applicant properly from the date of first appointment from 26th May 2004 by considering the representations being Annexure-F of the instant Original application.

(c) To consider the representation dated 26.09.2019 and 25.11.2019 of the applicant for the interest of proper justice;”

The case of the applicant is that on 26th May, 2004, after being recruited as Constable, he was undergoing training. During training, a criminal case was filed against him. The applicant had to face trial before A.C.J.M., Diamond Harbour and after contested hearing, the learned Court on 30th April, 2011 acquitted him. The grievance of the applicant is though acquitted, the authorities did not take any step for continuation of his appointment as Constable. Aggrieved, the applicant filed an application being OA-1125 of 2011 which by judgement and order dated 20th September, 2012 was dismissed. Aggrieved, the applicant filed a writ petition being WPST-394 of 2012 which was allowed by judgement and order dated 29th November, 2013. The State respondents filed a Special leave petition before the Supreme Court which was dismissed on 13th October, 2014. The grievance of the applicant is though on 26th March, 2019 and 24th November, 2019 representations were

ORDER SHEET

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made for the grant of the service benefits including promotional and other benefits from the first date of appointment that is 26th May, 2004 those have not been considered. Prayer is for consideration of the said representations by the respondents.

Mr.Banerjee, submits, if directed, the respondent authorities will consider the matter in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Superintendent of Police, Purba Midnapore, Government of West Bengal, the respondent no.7 to dispose of the said representations dated 26th March, 2019 and 24th November, 2019, addressed to the Commandant State Armed Police, 13th Battalion, Barjora, Bankura, by passing a reasoned order to be communicated to the applicant within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN