

ORDER SHEET

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 397 OF 2020

TARAK NATH BHANDARI - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr.Ambu Bindu Chakraborty
Advocate

07
22.12.2021

For the State respondents

: Mr.Goutam Pathak Banerjee
Advocate

At the very outset, Mr.A.B.Chakraborty, learned advocate for the applicant submits that though the matter has appeared under the heading “To be Mentioned”, it may be taken up for hearing and order may be passed in terms of prayer (c) to which Mr.G.P.Banerjee, learned advocate for the State respondents does not oppose.

As prayed for on behalf of the applicant, the matter is taken up for hearing.

As prayed for by Mr.Chakraborty, leave granted to add the Superintendent of Police, Baruipur Police District, Baruipur, South 24 Paraganas as a party respondent by amending the cause title of the application in course of this day. Since Mr.Banerjee, accepts service of notice on behalf of the added respondent, no further copy of the application need be served.

In this application, Tarak Nath Bhandari, the applicant, a Constable under West Bengal Police, has prayed for several reliefs, the relevant portion of which is as under:-

“(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 1st July, 2015 to the applicant;

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(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 25.09.2018 and 24.04.2019 of the applicant for the interest of proper justice;”

The case of the applicant is 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-1126 of 2011 which by judgement and order dated 20th September, 2012 was dismissed. Aggrieved, the applicant filed a writ petition being WPST-393 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 25th September, 2018 and 24th April, 2019 representations were 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.

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On a query, it is submitted by Mr.Chakraborty, that at present, the applicant is posted under Superintendent of Police, Baruipur Police District, Baruipur, South 24 Paraganas.

Mr.Banerjee, submits, if directed, the respondent authorities shall 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 granting liberty to the applicant to file a representation, annexing copies of relevant documents, ventilating his grievances before the Superintendent of Police, Baruipur Police District, Baruipur, South 24 Paraganas, along with a copy of this order within eight weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal. If representation is filed, the same shall be disposed of by the Superintendent of Police, Baruipur Police District, Baruipur, South 24 Paraganas, by passing a reasoned order to be communicated to the parties within fifteen weeks after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

BLR