

ORDER SHEET

Form No.

SWAJAN SHOME.

-Vs-

Case No. OA 433 of 2019.

THE STATE OF WEST BENGAL & ORS.

order, Mr. Banerjee has produced the original ACR of the applicant for the period from 26th May, 2016 to 31st March, 2017 when the applicant was Circle Inspector of Kalna and from 1st April, 2017 to 22nd November, 2017 when the applicant was Inspector of Police.

Records have been inspected by Mr. A.K. Niyogi, learned advocate for the applicant and Mr. G.P. Banerjee, learned advocate for the State respondents.

Learned advocate for the applicant submits the adverse remarks recorded, as evident from memo dated 24th November, 2017, is not consonance with the Police Regulations of Bengal as cryptic order has been passed without referring to the factual aspect of the matter and therefore it may be quashed.

Learned advocate appearing on behalf of the State respondents submits that in the original application the applicant has suppressed the fact that three departmental proceedings were pending and in one matter an order has been passed inflicting major punishment on the applicant which has not been controverted in the rejoinder and as the applicant has not come with clean hands, the application may be dismissed.

In reply Mr. Niyogi submits that an opportunity may be granted to the applicant to correct himself by granting leave to file representation before the authority concerned regarding his adverse remarks as mentioned in the said ACRs.

Heard learned advocates for the parties.

There is no dispute that in the original application the applicant has suppressed the fact that he was facing three departmental proceedings. In one of the proceedings, he was inflicted a major

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punishment. We were about to dismiss the application, however, in view of the submission made by Mr. Niyogi and in order to enable the applicant to correct himself, the application is disposed of by granting liberty to the applicant to file representation afresh against the adverse entries in the ACRs for the period from 26th May, 2016 to 31st March, 2017 and from 1st April, 2017 to 22nd November, 2017 before the Additional DGP (L/O), Police Directorate, Bhabani Bhawan, Kolkata, - the respondent no. 3 within four weeks from the date of obtaining a copy of this order downloaded from the internet. If representation is filed, same shall be disposed of by the respondent no.3 by passing a reasoned order to be communicated to the applicant within eight weeks. This order is passed in view of the submission by Mr. Niyogi and to give opportunity to the applicant to rectify himself.

Let the records containing confidential report of the applicant be returned to Mr. Banerjee.

The matter is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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