

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 503 of 2023

Md. Alef Akram -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. A. Hati, Ms. N. Sharma, Ld. Advocates.
<u>01</u> 22.08.2023	For the State respondent	: Mr. R. K. Mondal, Ld. 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.

Affidavit of service filed be kept on record.

The prayer in this application is for a direction to reinstate the applicant to the post of Auxiliary Fire Operator (A.F.O). From the submission of Mr. Hati and the records, it appears that the applicant was advised to report to the Divisional Officer, Fire Division in connection with his training as A.F.O. for a limited period of one year on purely temporary basis. Besides this letter, the Tribunal does not find any other relevant documents relating to his appointment to establish that he was holding a civil post and was under a regular establishment. Learned counsel for the applicant argues that the applicant was released from such duty after his involvement in a criminal case, in which eventually he was acquitted. However, there is no paper to show that his service was terminated due to his involvement in a criminal case. Available papers in the application do not satisfy the Tribunal that this is a not only a civil post in which the Tribunal has the determination and there are no relevant documents to support that his engagement was under regular establishment. Let the applicant provide relevant documents to address the above by the next date.

Let the matter appear under the heading “**Admission Hearing**” on **09.01.2024**.

CSM/SM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)