

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 518 of 2022

Kamal Kanta Jha - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Mr. A. K. Roy, Advocates.
<u>07</u> 19.09.2023.	For the State Respondents	: Mr. M. N. Roy, 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 prayer in this application is for setting aside the impugned order dated 01.11.2018 passed by respondent no. 3. This impugned order had terminated the contractual employment of the applicant who had worked as Durwan-cum-Night Guard (DCNG) of St. David Central Hostel, Kolkata. Such termination order was issued after a criminal case was lodged against him by the respondent authorities. Later by an order of the learned Additional Chief Metropolitan Magistrate, the applicant was acquitted from all the charges. Hence, the prayer of this application is for setting aside the impugned order dated 01.11.2018 with a further direction to reinstate the applicant in the same post of DCNG of St. David Central Hostel, Kolkata. In this regard, the applicant had submitted a prayer before the respondent authority, District Welfare Officer, Backward Classes Welfare, Kolkata on 12.07.2022. Submission is that the concerned authority may be directed to consider his representation for reinstatement in the same post.

Appearing on behalf of the State respondents, Mr. M. N. Roy, learned counsel submits that if such a direction is given to the respondent to consider the representation, the same will be complied as per law.

ORDER SHEET

Form No.

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Having heard the learned counsels and considering the fact that the applicant whose contractual service was terminated for having been involved in a criminal case but acquitted subsequently, the respondent no. 3, District Welfare Officer, Backward Classes Welfare, Kolkata is directed to consider the representation filed by the applicant before him on 12.07.2023 and pass a speaking and reasoned order within eight weeks from the date of communication of this order and after giving an opportunity to the applicant for a personal hearing.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)

Officiating Chairperson and Member (A)

HS/SM