

**ORDER SHEET**

**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 545 OF 2023**

**ANUPAM CHAKRABORTY - Vs - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and

Date of order

03

04.01.2024

For the Applicant : Mr.Anupam Chakraborty  
(Appears in person)

For the State respondents : Mrs.Sunita Agarwal  
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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel and the applicant appearing in person for the contesting parties, the case is taken up for consideration sitting singly.

The applicant appearing in person has submitted the following:

- (i) Appointed in 2014 on temporary basis, he is still continuing in the same post even today.
- (ii) Despite having served as Assistant Public Prosecutor on temporary basis, he has not been paid his fees for the last five years.

From the submissions and records, it is observed that the District Magistrate, Purulia by an order dated 20.06.2014 had engaged the applicant on temporary basis as Assistant Public Prosecutor. On 21.11.2016, the District Magistrate issued one more engagement letter appointing the applicant to perform the duties of Assistant Public Prosecutor on temporary basis. It appears that one post of Assistant Public Prosecutor has been vacant since 2014 in the Courts of Additional Chief Judicial Magistrate and Judicial Magistrate, Raghunathpur, Purulia. It appears that no steps were taken to fill up this

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post. For such non action on the part of the authorities in filling this vacant post since 2014, the applicant was allowed to perform the duties as Assistant Public Prosecutor on temporary basis. Since it is not clear to the Tribunal today whether this post lying vacant since 2014 has been filled up or not or even any steps were taken to fill up this post as per recruitment rule, it is the direction of this Tribunal to the respondent No. 3, the District Magistrate, Purulia to file a reply on the question of filling up the vacant post of Assistant Public Prosecutor at Raghunathpur, Purulia since 2014.

Let the above reply as directed to the District Magistrate be filed by the next date. Let the matter appear under the heading "For Orders" on 13<sup>th</sup> May, 2024.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR