

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 654 OF 2022**

**RANJIT MALAKAR & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicants	:	Mr. A.K. Bera, Advocate
<u>7</u> 09.08.2023	For the Respondents	:	Mr. Biswa Priya Ray, Mr. Gautam Pathak Banerjee, Advocates

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 counsels for the parties, the case is taken up for consideration sitting singly.

In this matter of delayed order allowing the applicants to join in the post of Group 'D' by the respondent Forest Department, Mr. Gautam Pathak Banerjee, learned counsel has filed a reply.

Submission of Mr. Banerjee and Mr. B.P. Ray, learned counsels is that as explained in the reply, this whole business of appointment letter and joining letter is a scam. In the reply signed by the Deputy Conservator of Forests, Legal dated 29.03.2023, paragraph (g) is to be noted in particular, which is as under:

*“g) Moreover, the appointment letters as produced by the applicants are fake and fabricated as per office records. Rather, the applicants appeared before anyone may have unlawful and malafide intention. As such providing natural justice or any benefits to the fraudulent applicants does not arise at all.”*

Submission of Mr. Biswa Priya Ray and Mr. Gautam Pathak Banerjee, learned counsels for the State is that since, as evident from the reply of the respondent, no such appointment letter, a specimen at page 18, was ever issued, neither by the respondent Department nor Departmental officials, including Mr. N.K. Pandey, IFS, Principal Chief Conservator of Forests & Head of Forests Force,

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therefore, the letter appearing at page 18 of the application, allegedly an appointment letter, is not only fake but also malicious to malign the respondent Department and the Government. Further clarification has been given by Mr. Banerjee that although appointment letters were issued for the post of Group 'D' by the Department, but names of these applicants do not feature. Mr. Banerjee files a copy of office order No. 22-A/PMC/2018 dated 26.06.2018, issued by the Directorate of Forests. This order appears to be the list of successful candidates for the post of Forest Guard. In its total 65 names of successful candidates, names of applicants (1) Ranjit Malakar (2) Sk. Providujjaman (3) Bimal Khanra and (4) Dipankar Santra are not to be observed.

Let copy of this official list of successful candidates for the post of Forest Guard published by the Forest Directorate on 26.06.2018 be kept on record and let a copy be served on Mr. A.K. Bera, learned counsel for the applicants.

After hearing the submissions of the learned counsels and on closer examination of facts mentioned in the replies, the Tribunal has come to the conclusion that the entire appointment prayed for by the applicants is not only a scam but also the papers produced by the applicants are fake and not admissible in this Tribunal. Since it has been established by the respondent authorities that some of these applicants are involved in such a racket or have become victims, the respondent No.3, the Principal Chief Conservator of Forests, Head of Forest Force, Kolkata is directed to lodge F.I.Rs. against those people who are behind such fraud. Further, a departmental enquiry should also be initiated to find out if there was any collusion by the officials of the Department/Directorate in facilitating such racket. If any official is found to be responsible, suitable disciplinary action should be initiated against them.

The application is disposed of.

SCN.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)