

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 676 of 2023**

BISWAJIT BAKSHI & ANOTHER - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

01
11.10.2023

For the Applicants : Mr. Goutam Pathak Banerjee
Advocate
For the State Respondents : Mr. Manujendra Narayan Ray
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 today be kept on record.

By an Order No. 1109 dated 26.07.2022 and Order No. 1107 dated 26.07.2022 passed by the Inspector General of Police, Swami Vivekananda State Police Academy, the applicants were discharged from their service with effect from 26.07.2022. The applicants were new recruits as Constables with the West Bengal Police. Such discharge from service was issued on the ground that the applicants were found to be accused in a criminal case and thus, found unsuitable for duty as Police Constable.

Submitting on behalf of the applicants, Mr.G.P.Banerjee, learned counsel, draws attention to a judgement dated 08.08.2022 passed by the Learned Additional Chief Judicial Magistrate, Ranaghat, Nadia. Submission is that as is evident by this judgement, the applicants have been found not guilty of the charges in this criminal case. Submission is that since the very reason of their discharge is not relevant after this

ORDER SHEET

Form No.

BISWAJIT BAKSHI & ANOTHER

Case No. **OA 676 of 2023**

Vs.
THE STATE OF WEST BENGAL & OTHERS.

acquittal, the respondent authorities may be directed to allow them to reinstate their service as Constable with West Bengal Police.

In this regard, the applicants have individually furnished their representations dated 17.05.2023 and 28.11.2022 before the Inspector General of Police (Administration) Bhawani Bhawan, Alipore. Submission is that the respondent authorities may be directed to consider their representations and reinstate them in their posts as Constable with West Bengal Police.

Appearing on behalf of the respondent authorities, Mr.M.N.Roy, learned counsel submits that if such a direction is given, the same will be complied as per rules.

Having heard the submissions of the learned counsels and considering the facts and circumstances of the case, this application is disposed of by directing the respondent No.3, the Inspector General of Police (Administration) Bhawani Bhawan, Alipore to consider their representations furnished by the applicants before him for reinstatement in the service within a period of 12 weeks from the date of communication of this order as per rules.

It may be recorded that the Tribunal has not gone into the merits of the case and all facts are left open for the respondent authorities to interpret.

Accordingly, the application is disposed of.

BLR

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