

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 686 of 2023

Basudev Dolui -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Ms. A.P. Banerjee,
Ld. Advocates.

01
12.10.2023

For the State Respondent : Mr. M.N. Roy,
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 setting aside the impugned orders no. 442 dated 19.12.2018 and 305 dated 11.07.2023. Though appointed as a Medical Technologist, Grade-III but subsequently the services of the applicant was terminated due to his involvement in a criminal case. A prayer was made before the competent authority but the same was not considered and his termination from service remained in force.

Submission of Mr. Banerjee, learned counsel for the applicant is that in the meantime, the Court of Learned Judicial Magistrate, 1st Court, Uluberia, Howrah by its order dated 31.05.2023 acquitted the applicant from the criminal case. Having been acquitted by the competent court, the applicant furnished a representation dated 05.06.2023 before the Director of Health Services and prayed for reinstatement.

Appearing on behalf of the respondent no. 4, Mr. Roy submits that the matter has been referred to the Home & Hill Affairs Department for taking the final decision of the Government on suitability of the applicant in service. Such decision whenever is communicated will be placed before the Tribunal.

Heard the learned counsels, the matter is admitted.

Let the matter appear under the heading "**Hearing**" on **22.02.2024**.

Reply and rejoinder, if any, in the meantime.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS