

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 939 of 2021

PRASANTA SUR – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. Swapan Kumar Nandi, Mr. Debjyoti Ghosh, Advocates
<u>2</u> 11.03.2022	For the State Respondents	: Mr. Soumendra Narayan Ray, Advocate

Let affidavit of service filed today be kept on record.

In this application, Prasanta Sur, the applicant, has prayed for several reliefs, the relevant portion of which is as under:

“(a) Order / orders be passed directing the concerned authority to release to applicant from the deputitional duty of Assistant Sub- Inspector of Police (UB) at Kolkata Police, so that the applicant can join at West Bengal Police.

(b) Order / orders be passed directing the concerned respondents authority to release the applicant from Kolkata Police to join at West Bengal Police on repatriation from Kolkata Police to join West Bengal Police Directorate by the authority concerned as similarly situated person in terms of the judgement and order of the Hon'ble State Administrative, Tribunal dated 10.01.2019 and 11.12.2019 in O.A. 1055 of 2016, CCP No. 73 / 2019 and O.A. No. 369 of 2020 dated 14.12.2020.”

It is submitted by Mr. Swapan Kumar Nandi, learned advocate appearing on behalf of the applicant that though representation was filed on 16th September, 2021 before the Commissioner of Police, Kolkata, the respondent no.3 to release him from deputational duty so that he can join at West Bengal Police, however, no action has been taken. Aggrieved, this application has been filed.

Mr. Soumendra Narayan Ray, learned advocate appearing on behalf of the State respondents submits that after the applicant was sent on deputation, he has been promoted, as evident from page 19 of the original application, and under law the applicant is not entitled to the order as prayed for. However, if directed, the respondents will consider the matter in accordance with law.

SCN. Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file representation ventilating his grievances before the Additional Chief Secretary, Home and Hill Affairs Department, Government of West Bengal, Howrah, the respondent no.1, within six weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal. If representation is filed within the time as stipulated, the respondent no.1 shall dispose of the same by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN