

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-192 of 2021.

Bikash Ganguly. - Versus – The State of West Bengal and Others.

Serial No. and Date of order	For the Applicant	: Mr. A. K. Das Sinha, Advocate.
<u>4</u> 20.12.2021	For the State Respondents	: Mr. G. P. Banerjee, Advocate.

As prayed for by Mr. A. K. Das Sinha, learned advocate for the applicant, leave granted to add prayer in paragraph 10 of the Original Application.

In this application, Bikash Ganguly - the applicant, has prayed for certain reliefs, the relevant portion of which is as under :-

“a) A direction upon the respondents to consider the appointment of the applicant in the post of Constable of Police/Bugler constable as per direction of Hon'ble Tribunal dated 09.10.2018 in O. A. No. 247 of 2016 with consequential service benefits forthwith.

b) A direction do upon the respondents to pay the applicant full pay of a constable in terms of Regulation 746 and Regulation 782 of P. R. B. 1943 treating the applicant as a member of West Bengal Armed Police (W.B.A.P.) for all practical purpose and also to refix and revise the scale of Pay as per ROPA Rules, 1998 and ROPA, 2009 and also to pay the applicant all arrear of salary and allowances with retrospective effect and also to Pay all consequential service benefits to the applicant.

c)

d) A direction upon the respondent authorities particularly upon S. P. Murshidabad Police District, Berhampur, Murshidabad to forthwith

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implement the order of this Hon'ble Tribunal dated 09-10-2018 passed in O. A. No. - 247/2016."

Mr. Das Sinha submits that earlier the applicant had moved an application, being O.A.-247 of 2016, which was disposed of on 9th October, 2018, the relevant portion of which is as under :-

"In view of our above findings, we hold that the letter dated November 24, 2008 issued by the Assistant Secretary to the Government of West Bengal, Department of Home (Police) (Annexure 'B' to the original application) is not justified under the law and the same is hereby quashed. The respondent no. 4, Superintendent of Police, Murshidabad is directed to consider the appointment of the applicant in the post of Constable of Police/Bugler Constable (if such post exists) in terms of Regulation 782 and Regulation 746 of Police Regulation of Bengal and in accordance with law and by obtaining approval of the competent authority, if necessary, within a period of 16(sixteen) weeks from the date of communication of the order and to take necessary follow up action within a period of 4 (four) weeks thereafter. With the above direction the original application stands disposed of."

Mr. Das Sinha submits that direction be issued upon the respondents for implementation of the said order.

Mr. G. P. Banerjee submits, if directed, the respondent authorities will consider the matter in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and as prayed for

ORDER SHEET

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on behalf of the applicant, the application is disposed of by directing the Superintendent of Police, Murshidabad, - the respondent no. 4, now designated as the Superintendent of Police, Murshidabad Police District, to consider the appointment of the applicant in the post of Constable of Police/Bugler Constable (if such post exists) in terms of Regulation 782 and Regulation 746 of Police Regulation of Bengal and in accordance with law and by obtaining approval of the competent authority, if necessary, within 16(sixteen) weeks from the date of presentation of a copy of this order downloaded from the website of this Tribunal and to take necessary follow of action within three weeks thereafter.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.