

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 - 655 of 2017

Pijush Kanti Goswami **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Kishor Mukherjee,
Learned Advocate.

For the State : Mrs. Sunita Agarwal
Respondents Learned Advocate.

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14.09.2023

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, the matter is taken up for consideration sitting singly.

The primary prayer of the applicant in this application is a direction to the respondent authorities to pay his back wages for the period of his dismissal. The prayer also relates to pensionary benefits.

Being involved and convicted in a criminal case, the applicant was dismissed from service after conclusion of a departmental proceeding w.e.f. 19.12.2007. Later, in terms of a direction of this Tribunal, the applicant was reinstated in the service by passing a reasoned order by the respondents, D.I.G. of Police, Jalpaiguri Range on 03.04.2017. Although, the applicant was reinstated in service with the same rank and pay w.e.f. from 07.04.2017, however, back wages as well as his pensionary benefits was not agreed upon by the respondent authorities. The respondent authority relied on a Hon'ble Supreme Court Judgement in Krishnakant Raghunath Bibhavnekar Vs. State of Maharashtra and Others (1997) 3 SCC 636. It also transpired that though convicted by the Learned Sessions Court but subsequently by an order of the Hon'ble High Court, the applicant was acquitted. Challenging such an order of the respondent authority in

refusing to pay back wages for the period from 25.07.2004 to 07.04.2017, the applicant had filed this application before this Tribunal.

Later, in the year 2020, the applicant superannuated from service without getting his back wages or any pensionary benefits. With the leave of this Court the prayer has been amended now and seeks for a direction to the respondent to pay back wages as well as his pensionary and other retiring benefits.

Submitting on behalf of the applicant, Mr. Kishor Mukherjee submits that the disciplinary authority mainly relied on the order passed by the Learned Sessions Court without having the matter independently inquired into. Mr. Mukherjee wishes to rely on an Hon'ble Apex Court judgement on the next date.

Let further submissions of the learned counsels be taken on the next date and let copies of relevant Apex Court judgements be filed on the next date.

Let the matter appear under the heading "Further Hearing" on **08.02.2024**.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)