

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA-680 of 2021

SK MD ENAMUL KARIM - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr. I. Pal,
Mr. M.F. Rahaman,
Advocates.

08
04.08.2022

For the State respondents

: None

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

As prayed for, leave granted to correct the cause title so far it relates to the respondent no. 2 (iii).

Let affidavit of service filed be kept on record.

Since despite service of notice, none appears on behalf of the respondents, Mr. G.P. Banerjee, learned advocate, who normally appears on behalf of the state authorities is requested to appear in this matter. Let a copy of the application be served upon Mr. Banerjee by Mr. I. Pal, learned advocate for the applicant, which is served and accepted. The learned Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In the application, Sk. Md. Enamul Karim, presently Sub Inspector of West Bengal Police has prayed for certain reliefs, the relevant portion of which is as under :

“(a).....An order to respondent authorities specifically the respondent no. 01 to consider the Prayer of the Applicant for Grant of the Notional Service Benefits and Consequential Benefits from the Date of the Promotion of the Juniors and Batch Mates of Applicant in the

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Post of Sub Inspector in West Bengal Police in accordance with the prevailing laws as earliest.”

It appears that during his posting at Mayureswar Police Station under the Birbhum DPF as Assistant Sub Inspector, the applicant was charged with the allegations of gross misconduct, insubordination, for unprofessional conduct and serious dereliction of duty unbecoming of a member of a disciplined force. Accordingly, the departmental proceeding, being District Proceeding No. 04/16, dated 23rd February, 2016 was initiated against him. Charges were framed which were denied by written statement filed by the applicant. Finally, the Enquiry Officer passed an order on 29th May, 2018 acquitting the applicant from all the charges which was confirmed by the Superintendent of Police, Birbhum by issuing the final order dated 6th June, 2018. The grievance of the applicant is since he has been acquitted of all the charges which has been confirmed by the higher authorities and he has been promoted to the rank of Sub Inspector, however as his juniors and batch mates who have been promoted to the post of Sub Inspectors in West Bengal Police on or after 29th December, 2016, have been granted consequential service benefits, appropriate order may be passed directing the respondents to grant notional service benefits and consequential service benefits to the applicant from the date of promotion of his juniors and batch mates of the applicant in the post of Sub Inspector of West Bengal Police.

It is submitted by Mr. Pal that though a letter dated 26th August, 2021, praying for grant of notional and consequential benefits, was issued on behalf of the applicant to the Director General and Inspector General of Police, Department of Home and Hill Affairs, Government of West Bengal, it has not been considered. Aggrieved the application has been filed.

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Mr. Banerjee submits, if directed, the State respondents will consider the matter in accordance with law.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to applicant to file representation ventilating his grievances before the Inspector General of Police, Government of West Bengal, Department of Home and Hill Affairs the respondent no. 2(iii) along with a copy of this order downloaded from the website of the Tribunal within four weeks. If representation is filed, same shall be disposed of by the Inspector General of Police, Government of West Bengal, Department of Home and Hill Affairs the respondent no. (iii) 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.

(SOUMITRA PAL)
CHAIRMAN

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