

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. CCP 146 of 2014 (RA 1 of 2016).

PRODIP KUMAR HALDER & ORS – VS- Dr. P. Bhattacharyya, DIRECTOR OF AGRICULTURE & EX-OFFICIO SECRETARY, GOVT. OF WB.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>30 7.2.2019.</p>	<p>For the Applicants : Mr. M.N. Roy , (Respondent in RA) Advocate.</p> <p>For the Respondent : Mr. A.L. Basu, (Applicant in RA) Advocate.</p> <p>Inspite of directions on 31st January, 2019, the miscellaneous application, being MA 24 of 2016, has not been listed. Mr. A.L. Basu, learned advocate for the respondent, who has filed the miscellaneous application prays that the said application may be treated as on day's list and be heard which Mr. M.N. Roy, learned advocate for the applicant in the original application, in his usual fairness does not oppose.</p> <p>Miscellaneous application filed for condoning the delay of 512 days in filing the review application is treated as on day's list and is taken up for hearing. Causes shown in the application are sufficient. Therefore, the delay in preferring the review application, being RA 1 of 2016, is condoned. The MA. No. 24 of 2016 is allowed. The review application is treated to be in order.</p> <p>Mr. Basu, learned advocate relying on the contentions in the review application, being RA No. 1 of 2016, submits that had the judgement passed by the High</p>	

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	<p>Court on 9th July, 2014 in WPCRC No. 215 (W) of 2013 in W.P.S.T. No. 611 of 2009 (Arindam Tarafdar & Anr –Vs- Subrata Biswas and Others) which was a similar matter, been brought to the notice of the Tribunal while order was passed on 6th August, 2014 in the original application, that is OA 838 of 2014, the outcome in the original application would have been different since the High Court had issued certain specific directions. Keeping the judgement of the High Court in view, the order passed by the Tribunal on 6th August, 2014 may be reviewed and the review application may be allowed.</p> <p>Mr. Roy submits that though the judgement of the High Court was not cited before the Tribunal , however while passing the order as the Tribunal had directed issuing appointment letter on the basis of the photo copy of the admit card after proper verification and cross checking, the review application may be dismissed.</p> <p>Heard learned advocates for the parties. We find that while disposing of the application, being OA 838 of 2014, the Tribunal had, inter alia, directed as under :-</p> <p><i>“.....We direct the Respondent No. 2 to</i></p>	

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	<p><i>consider the prayers of the applicants in the matter of issuing appointment letter on the basis of photo-copy of the admit card obviously, after proper verification and cross checking of the same with the admit card lying with department. This entire process is to be completed within a period of four weeks and written intimation is to be given to the petitioner about the decision taken by the Respondent No. 2 within a period of two weeks thereafter...".</i></p> <p>The High Court while passing the judgement and order on 9th July, 2014 had issued certain directions, the relevant portions of which are as under :-</p> <p><i>(i)" The advertisement will stipulate that within fifteen days of the advertisement being published all persons whose roll numbers are on the merit list may produce the Admit Cards and other documents, which were required to be produced under the advertisement issued in October, 2007 for appointment to the post of Lower Division Clerk, Regional Establishment in the Directorate of Agriculture, State of West Bengal. The advertisement must also mention the office in which these documents are to be produced...."</i></p>	

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	<p><i>“.....(iii) The State shall scrutinize these documents within four weeks and communicate to the selected candidates the result by furnishing to them the offer letters and the blank police verification forms. The police verification forms will be submitted to the State within a week by the candidates, after duly filling them, so that the police verification can be carried out immediately. The police verification must be completed within six weeks.....”.</i></p> <p>Perusing the judgement and order of the High Court and the Tribunal, we find that Courts have held that appointment letters will be issued after proper verification and cross checking. In the instant case the Tribunal by its order dated 6th August, 2014 had directed issuing appointment letter on the basis of the photo copy of the admit card after proper verification and cross checking of the same, which is in consonance with the judgement passed by the High Court. Therefore, the statements in the review application cannot be accepted and no order is passed on the same. Hence the review application, being RA No. 1 of 2016, is disposed of.</p> <p>Accordingly, the contempt application is</p>	

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Skg.	<p>disposed of by directing the Director of Agriculture and Ex-officio Secretary, Directorate of Agriculture, West Bengal, Jessop Buildings, Kolkata – 1 to issue appointment letter on the basis of photo copy of the admit card after proper verification and cross checking of the same and after being satisfied with the identity of the applicant, within sixteen weeks from the date of presentation of a copy of this order. It is needless to mention that such appointment shall be given after police verification and compliance of all other formalities within the said period.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	