

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – MA-114 of 2018 (OA-602 of 2014).

Ashoke Kumar Banerjee Vs The State of West Bengal &amp; Others.

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>01</p> <p>-----</p> <p>14-11-2019</p>	<p>For the Applicants : Mr. J. Dey, Advocate.</p> <p>For the State Respondents : Mr. A. De, Departmental Representative.</p> <p>The instant application has been filed praying for a direction of the respondent to review the dismissal order in the departmental proceeding passed by the District Land &amp; Land Reforms Officer and praying for the following order :-</p> <p><b>a) Direction be made upon the respondents particularly the Principal Secretary and/or Land Reforms Commissioner, Land and Land Reforms Department, Govt. of West Bengal to review the dismissal order in the departmental proceeding passed by the District Land and Land Reforms Officer,</b></p>	

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	<p><b>Hooghly on 14<sup>th</sup> June, 2000 and also the order of the Learned Appellate Authority passed on 04-07-2006 in Misc. Case No. 22 of 2006, such review be made by the authority (L.R.C) in terms of the Hon'ble Tribunal order dated 24-08-2011 passed in OA No. 282 of 2011 wherein the Hon'ble Tribunal was pleased to observed that there are no such prayer for consideration was made by the petitioner after obtaining an order of acquittal from the Learned Judge Special Court, order dated 21-05-2010 against the charges of Criminal Case U/S 409 and U/S 468 of the I.P.C. in the Special Court Case No. 4 of 1996.</b></p> <p><b>b) Further direction be made upon the authority to release the provident fund dues, gratuity and admissible leave encashment, admissible retirement benefits and</b></p>	

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	<p><b>other pending dues forthwith along with 12% interest ;</b></p> <p><b>c) Any other order or orders, direction or directions ;</b></p> <p><b>d) Call for the records in connection with the aforesaid case;</b></p> <p>As per the applicant against the final order, he preferred an appeal before the Appellate Authority on 04-07-2006. In the mean time, the applicant was acquitted from the criminal case vide order dated 25-01-2010. Subsequently, he had approached this Tribunal in OA No. 282 of 2011 and vide their order dated 24-08-2011 had observed that as the applicant did not approach the authority for consideration of his reinstatement in the service after the acquittal. Therefore the OA was disposed of with a direction to the applicant to approach the authority for reconsideration of his case. Subsequently the applicant approach before the authority on 15-07-2010 for reconsideration of his case on the basis of acquittal order. Even then no decision has been communicated to the</p>	

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	<p>applicant. Being aggrieved with, he has filed the instant application.</p> <p>During the course of the hearing the Counsel for the respondent has submitted that they have preferred one criminal appeal No. CRM SPL 16 of 2015. Therefore the Counsel for the applicant has submitted that though as per the respondent one criminal case was filed in 2015 but till today the said appeal has not been admitted even no steps has been taken by the respondents. Thus his representation may be considered as per the Trial Court's Order. The departmental representatives of the respondent have submitted that he has not got any information of the latest status of the criminal appeal. Therefore he has not in a position to make any comments.</p> <p>In view of the above, the respondents are directed to take decision subject to the outcome of the criminal appeal within a period of 12 weeks from the date of receipt of this order. As till date the criminal appeal even has not been</p>	

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Mihir	<p>admitted. Therefore the OA is disposed of with the above observations and direction with no order as to cost.</p> <p><b>P. RAMESH KUMAR MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN) MEMBER(J)</b></p>	