

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

& The Hon'ble Dr. Subesh Kumar Das, Member (A)

Case No OA - 256 of 2020

Nikhil Biswas –Vs- The State of West Bengal & 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 |
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| <p style="text-align: center;">4 <u>16.10.2020</u></p> | <p><i>For the Applicant : Mrs. S. Agarwal, Advocate</i></p> <p><i>For the Respondents : Mr. S. Ghosh, Advocate</i></p> <p><i>The instant has been filed praying for following relief:</i></p> <p><i>“(a) To pass an appropriate order directing upon the respondents authority to quash and / or set aside the purported suspension order dated 01.08.2017.</i></p> <p><i>(b) To pass an appropriate order direction the respondents authority to immediately allow the applicant to resume his duties as a Sub-officer of Matigara Fire Station.</i></p> <p><i>(c) An order directing the official respondent authority to immediately release the arrear salary of the applicant with effect from 24.05.2017 till date along with all financial benefits that has accrued thereto.</i></p> <p><i>(d) To pass an appropriate order restraining the respondent</i></p> | |

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| | <p><i>authorities from taking any steps in terms of the suspension order dated 01.08.2017 in any manner whatsoever.</i></p> <p><i>(e) An order directing the respondent authorities to give effect to the promotion of the applicant as Station Officer will all consequential benefits.</i></p> <p><i>(f) An order directing the official respondents to produce all records pertaining to the applicant and all other relevant documents.</i></p> <p><i>(g) Cost incidental thereto.</i></p> <p><i>(h) Any other or further order or orders or direction as to your Lordships may deem fit for granting reliefs."</i></p> <p><i>During the course of the hearing, the counsel for the applicant has submitted that though he was suspended under Rule 7(3) of West Bengal Services (CCA) Rules, 1971 on 01.08.2017. But till date neither his suspension order has been reviewed nor the subsistence allowance has</i></p> | |

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| | <p><i>been increased. In the mean time, he has got bail from the competent court of law on 23.06.2017. Though thereafter he had approached before the authority but till date he did not get any response from the authority. Being aggrieved with, he has filed the instant application.</i></p> <p><i>During the course of the hearing, the counsel for the applicant has submitted that it would suffice his purpose if the authority would be directed to consider his representation for reviewing of revocation of his suspension order as per Rules. He has also referred one order dated 01.10.2019 passed in OA - 378/2019 by this Tribunal and has submitted that this case may be considered in the light of the said order.</i></p> <p><i>The counsel for the respondent has admitted that the suspension order has not been reviewed till date. However, he has no objection to consider his representation in the present date as per Rules.</i></p> <p><i>Accordingly, the applicant is at liberty to file a comprehensive representation before the authority within a period of 15 days and the competent authority is directed to consider his representation and take decision and</i></p> | |

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| P.K.D. | <p><i>communicate the same by way of reasoned and speaking order within a period of four weeks from the date of receipt of such representation. Accordingly, the O.A. is disposed of.</i></p> <p>SUBESH KUMAR DAS MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p> | |