

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. OA 10 of 2020.

DEBI PRASAD GOSWAMI – Vs- THE STATE OF WEST BENGAL AND 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>2</p> <hr/> <p>6.2.2020.</p>	<p>For the Applicant : Mr. S.k. Nandi, Advocate.</p> <p>For the State Respondents : Mr. M.N. Roy, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>The matter has appeared under the heading “Admission Hearing”.</p> <p>In this application Debi Prasad Goswami, the applicant has prayed for several reliefs, the relevant portion of which is as under :-</p> <p><i>“ (a)The applicant prays that this Hon’ble Tribunal would be graciously pleased to direct the concerned authorities to withdraw cancel and rescind the order issued under memo number 998/RO/EB dated 05.12.2019 where by the applicant was directed to reserve office Krishnanagar Police Line, District – Nadia as soon as possible as the applicant has been shown released on 05.12.2019 from the office of the Enforcement Branch, Kolkata Police vide Memo number 996/RO/EB dated 05.12.2019 as well as to cancel the conformity of message vide Org. No. 2475/RO dated 21.09.2019 of the Superintendent of Police, Krishnanagar</i></p>	

ORDER SHEET

DEBI PRASAD GOSWAMI .

Form No.

Vs.Case No. **OA 10 of 2020.**

THE STATE OF W.B. & ORS.

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><i>Police District and Joint Commissioner of Police, (Head Quarter) Kolkata Police vide memo number 2178/CRO dated 11.11.2019.</i></p> <p><i>(b) The applicant further prays that this Tribunal would graciously be pleased to retain the service of the applicant as a Sub Inspector of Police, Kolkata Police as the applicant since 01.06.2019 has already joined Enforcement Branch as a Sub Inspector of Police, Kolkata Police and was posted in the Drug and Cement Section of Enforcement Branch of Kolkata Police as yet by treating the memo number 998/RO/EB dated 05.12.2019 as alleged arbitrary malafide motivated and punitive in nature...".</i></p> <p>Mr. S.K. Nandi, learned advocate for the applicant submits that since the impugned order dated 13th August, 2019, appearing at page 34 of the application, being annexure 'A' to the application, and the memo dated 5th December, 2019 appearing at page 35, being annexure 'G' to the application are not in conformity with the procedure normally followed, the impugned order and memo may be set aside and the application may be allowed.</p>	

ORDER SHEET

DEBI PRASAD GOSWAMI .

Form No.

Vs.Case No. **OA 10 of 2020.**

THE STATE OF W.B. & ORS.

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
Skg.	<p>Mr. M.N. Roy, learned advocate appearing on behalf of the State respondents submits on instruction that the order dated 13th August, 2019, being annexure 'A' to the application, has been modified indicating that the applicant is a 'Sub Inspector' and not 'ASI' as mentioned in the said order. Referring to the memo dated 5th December, 2019 it is submitted very fairly that call, if at all, should have been taken by the Government and not by the Kolkata Police as has been done.</p> <p>In view of such submission, the application is disposed of by directing the Principal Secretary, now designated as Additional Chief Secretary, Home (Police) Department – respondent no. 1, to take a decision regarding re-deputation of the applicant in West Bengal Police in accordance with law. Accordingly the Memo dated 5th December, 2019 stands quashed. The application is allowed.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	