

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 182 of 2014.

DIPAK KUMAR RABIDAS. – VS- 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>17 29.8.2018.</p>	<p>For the Applicant : Mr. A. Maity, Advocate.</p> <p>For the State Respondent : Mr. S.K. Mondal, Advocate.</p> <p>In this application, the applicant selected for the Group "D" post in the selection process initiated by the Public Service Commission, West Bengal in the year 2009 and recommended by the PSCWB, has prayed for a direction upon the Respondents to appoint him in the Group "D" post in any department of Health and Family Welfare in terms of the order dated 15th March, 2013 passed by the Tribunal in OA 386 of 2012 and OA 929 of 2012.</p> <p>It is submitted by Mr. A. Maity, learned advocate for the applicant that since the Tribunal had directed the authorities to finalise the actual appointment within three months subject to satisfactory medical and police verification report, the applicant may be appointed. Though the Tribunal had directed for appointment within three months, no steps have been taken for appointment. Referring to pages 32 to 47 of the application, it is submitted that the respondent</p>	

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	<p>authorities are not appointing the applicant as a police case is pending against the applicant.</p> <p>Mr. S.K. Mondal, learned advocate appearing on behalf of the Respondents submits that though the Tribunal had directed to give appointment within three months from the date of passing the order subject to satisfactory medical and police verification report, however as the applicant is involved in a criminal case the respondents are unable to give appointment.</p> <p>Heard Mr. Maity and Mr. Mondal.</p> <p>We find that the Tribunal by order dated 15th March, 2013 had directed the authorities to <i>“.....finalize the actual appointment within 3 months thereafter subject to satisfactory medical and police verification report. In case any of the successful applicant is found overaged, the appointing authority shall grant appropriate age relaxation....”</i>.</p> <p>Though the judgement was in rem as correctly submitted by Mr. Maity, however as the applicant was recommended by the PSC, since a criminal case is pending against the applicant, no direction can be passed directing the respondent authorities to appoint the applicant. However, after conclusion of the criminal</p>	

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