

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

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

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

Case No – **OA 201 of 2020**

Rabin Sarkar

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
<p>05</p> <hr/> <p>09/10/2020</p> <p>PKD</p>	<p>For the Applicant : Mr. S.N. Ray & Mr. M. Islam Learned Advocates</p> <p>For the State Respondents: Mr. G.P. Banerjee Learned Advocate</p> <p>The instant application has been filed praying for following relief:</p> <p>“a) A direction upon the respondents more particularly the respondent No.2 to allow the applicant to resume his duty for the post of Fire Engineer Operator – cum – Driver at Alampur Fire Station, District-Howrah forthwith when he is not yet suspended.</p> <p>b)Consequential order directing the respondent No.2 to consider and dispose of the representation of the applicant dated 24.02.2020 by a reasoned order in accordance with law after giving the applicant an opportunity of hearing and on examination of the documents relevant for the case within a certain time.</p>	

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c) Costs.

d) And/or to pass such other or further order or orders as to Your Lordship may deem fit and proper.”

During the course of hearing, the Council for the applicant has submitted that he was not allowed to join his duty after being arrested as he was in custody beyond 48 hours - but no formal suspension order was issued. Therefore, he made representation before the Authority, i.e., the Director General, West Bengal Fire and Emergency Services (Annexure-E) to allow him to resume duty as in the mean time, he was granted bail by the Hon'ble High Court and was released from the jail custody on 19.02.2020.

As no response was received by the instant applicant till 18th March, 2020 the copy of the application duly served upon the respondents dated 19.03.2020. However, vide E.O. No.278/2020, dated 26.06.2020, he was put under suspension with effect from 21.01.2020 (Annexure to supplementary affidavit). However, during the course of hearing, the Council for the applicant has submitted that he wants to make one comprehensive representation again before the Authority within 2(two) weeks and the Authority

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may be directed to consider his case by a reasoned and speaking order within a stipulated period of time.

The Council for the Respondent has no objection to consider his representation as per rules.

Heard the parties. Accordingly, the applicant is at liberty to file representation before the Authority within 2(two) weeks and the concerned Respondents are directed to consider his representation and communicate his decision by a reasoned and speaking order within a period of 6(six) weeks from the date of receipt of the representation. Accordingly OA is disposed of with no order as to cost.

(SUBESH KUMAR DAS)
MEMBER(A)

URMITA DATTA(SEN)
MEMBER(J)