

**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 472 of 2018.

**TILOK CHAND MONDAL & ORS – VS- THE STATE OF WEST BENGAL & 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>8</p> <hr/> <p>29.11.2018.</p>	<p>For the Applicants : Mr. Subrata Mukhopadhyay, Mrs. Basabi Roychowdhury, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>Heard Mr. S. Mukhopadhyay, learned advocate for the applicants and Mr. G.P. Banerjee, learned advocate for the State respondents.</p> <p>Mr. Mukhopadhyay for the applicants submits initially CID was directed to conduct an enquiry. As CID found nothing, now police has no authority to conduct an enquiry on a complaint lodged. Since nothing has been found till date against the applicants by the law enforcing authorities, appropriate interim order may be passed for appointing the applicants.</p> <p>Mr. G.P. Banerjee for the respondents submits that though FIR was lodged with the New Market Police Station, Kolkata on 15<sup>th</sup> May, 2018 on a written complaint, being P.S. Case No. 181 of 2018 , till date there has been no progress in the investigation. Though there is no grievance against the applicants, however as the entire selection process is under question, complaint has been lodged.</p>	

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Skg.	<p>Though reply and rejoinder have been filed, however as even after filing of FIR till date nothing adverse has been found against the applicants, considering such fact let interim order be passed directing the Principal Secretary, Department of Food and Supplies, – the Respondent no. 2, to appoint the applicants within ten weeks from the date of presentation of a copy of this order on compliance of formalities, if any. It is however made clear that such appointment will be provisional and/or temporary and will be without prejudice to the rights and contentions of the parties in this application and will not create any equity or right in favour of the applicants. It is also made clear that the pendency of this application shall not prevent the law enforcing authorities to proceed with the investigation. Let the matter appear under the heading “Hearing” on 7<sup>th</sup> February, 2019.</p> <p>(P. Ramesh Kumar) Member(A).</p>	<p>(Soumitra Pal) Chairman.</p>

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