

**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 592 of 2016.  
**FIROJ RAI – 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>13 26.9.2018.</p>	<p>For the Applicant : Mrs. S. Agarwal, Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>In this application the applicant, who had applied for the post of Fire Operator and selected and had undergone training, has prayed for a direction upon the respondents to appoint him as Fire Operator on compliance of formalities, if any.</p> <p>It is submitted by Mrs. S. Agarwal, learned advocate for the applicant, that though the applicant was involved in a criminal case in Kurseong P.S. Case no. 31/99 dated 23<sup>rd</sup> March, 1999, as he was acquitted by judgement dated 31<sup>st</sup> March, 2003, passed by the learned Additional Sessions Judge, Darjeeling, appropriate order may be passed directing the authorities to appoint him in the post of Fire Operator. Reliance has been placed on the judgement of the Supreme Court passed in State of Haryana and others –Vs- Dinesh Kumar in 2008(2)SLR 331, particularly paragraphs 25 to 30, in support of her</p>	

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	<p>submission .</p> <p>Mr. S. Ghosh, learned advocate for the state respondent referring to the report filed by the SPIO and Director, West Bengal Fire and Emergency services , Kolkata submits that since the applicant while filling up the verification roll had given false information regarding his arrest by filling up column 13 with the word "Nil", he has been found unsuitable by the authorities for being appointed.</p> <p>Heard learned advocates for the parties. We find that in column 13 the respondent had sought information whether the applicant was arrested, detained or convicted by a Court of any offence and as the applicant had filled up the said column on 13<sup>th</sup> December, 2000 by the word "Nil", we are of the view that it is a suppression of fact as he was arrested on 22<sup>nd</sup> March, 1999 though subsequently by judgement dated 23<sup>rd</sup> March, 2003 acquitted by the learned Additional Sessions Judge, Darjeeling.</p> <p>Under the facts and circumstances of the case, the principles of law laid down in the State of Haryana- Vs- Dinesh Kumar (supra) are not applicable to the facts</p>	

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Skg.	<p>of this case as therein the accused persons had appeared before the Magistrate voluntarily and had prayed for bail whereas in the present case the applicant was arrested and subsequently acquitted by the learned Additional Sessions Judge, Darjeeling.</p> <p>Therefore, no order is passed on this application.</p> <p>The application is disposed of.</p> <p>(P. Ramesh Kumar) Member (A)</p>	<p>(Soumitra Pal) Chairman.</p>