

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

Present.-  
The Hon'ble Justice Ranjit Kumar Bag  
&  
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA - 75 of 2015**

*Deb Kishore Dhara*

Versus

*The State of West Bengal & Ors.*

Serial No. and  
date of order

Order of the Tribunal  
with signature

Office action with date  
and dated signature of  
parties when necessary.

1

2

3

12  
26/09/2018

**For the Applicant** : Mr. A. Hati,  
Ld. Advocate.

**For the State Respondent** : Mrs. S. Agarwal,  
Ld. Advocate.

*The applicant has prayed for direction upon the respondents to give him benefit of employment w.e.f. the date of his selection for the post of Livestock Development Assistant under Directorate of Animal Resources and Animal Health, Government of West Bengal.*

*The applicant was selected for undergoing training for a period of 1 (one) year without any guarantee for employment in the unified cadre of Livestock Development Assistant under Directorate of Animal Resources and Animal Health, Government of West Bengal on February 06, 1997. The contention of the applicant is that he has undergone training successfully for a period of 1 (one) year. On March 25, 1998 the applicant was asked to fill up the proforma for Police Verification Report and submit Medical Fitness Certificate for further necessary action. It is also contended on behalf of the applicant that the applicant submitted certificate of Medical Fitness and duly filled in proforma for Police*

**ORDER SHEET – (Continuation)**

Form No.

*Deb Kishore Dhara*  
.....

Vs

*The State of West Bengal & Others.*  
.....Case No. **OA – 75 of 2015**

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>Verification Report, but no appointment letter was issued in favour of the applicant. The applicant moved the Tribunal by filing OA-5916/1998 which was disposed of on July 30, 2010. On July 30, 2010 the Tribunal directed the concerned respondent to consider the representation of the applicant for appointment, if he is otherwise found suitable for appointment to the post of Livestock Development Assistant, provided vacancy is available for such appointment. It appears from the said order passed by the Tribunal that 2 (two) criminal cases were pending against the applicant - one in Khanakul Police Station and another in Arambagh Police Station and thereby the applicant was not found suitable for government service, unless and until he was exonerated of the charges by competent court of law. Ultimately, on March 01, 2011 the applicant was appointed temporarily in the post of Livestock Development Assistant under Livestock Development Officer, Beldanga II, Murshidabad.</i></p> <p><i>With the above factual matrix Learned Counsel for the applicant contends that the appointment of the applicant for the post of Livestock Development Assistant should be given effect from the date when the applicant intimated about the date of his exoneration of the criminal charge by competent court</i></p>	

**ORDER SHEET – (Continuation)**

Form No.

*Deb Kishore Dhara*  
.....

Vs

*The State of West Bengal & Others.*  
.....Case No. **OA – 75 of 2015**

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
Csm	<p><i>of law. By referring to the copy of letter dated October 20, 2006 annexed to the supplementary application filed by the applicant, Learned Counsel further contends that the authority did not act even after giving intimation about the acquittal of the applicant of the criminal charge by competent court of law. We are unable to accept this contention made on behalf of the applicant, as the applicant suppressed this fact without disclosing this document before the Tribunal at the time of passing the order dated July 30, 2010 when OA 5916 of 1998 was disposed of with direction to consider for giving appointment to the applicant. The delay in issuance of the appointment letter is due to pendency of the criminal cases against the applicant and the said delay is clearly attributed to the conduct of the applicant. In view of our above findings we cannot persuade ourselves to give effect of appointment of the applicant as Livestock Development Assistant w.e.f. giving intimation by the applicant of the fact of acquittal of the criminal charge by competent court of law. As a result, the original application is <b>dismissed</b>. Let a <b>Plain copy</b> of the order be supplied to the parties.</i></p> <p style="text-align: center;"><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

**ORDER SHEET – (Continuation)**

Form No.

*Deb Kishore Dhara*  
.....

Vs

*The State of West Bengal & Others.*  
.....Case No. **OA – 75 of 2015**Serial No. and  
date of orderOrder of the Tribunal  
with signatureOffice action with date  
and dated signature of  
parties when necessary.

1

2

3

**ORDER SHEET – (Continuation)**

Form No.

*Deb Kishore Dhara*  
.....

Vs

*The State of West Bengal & Others.*  
.....Case No. **OA – 75 of 2015**

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3