

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. OA 784 of 2019

Sunit Moyra

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.

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27/09/2019

For the Applicant : Mr. T.K. Halder,
Mr. A.K. Das Sinha,
Ld. Advocates.

For the L & LR Deptt. : N O N E.

The applicant has prayed for direction upon the respondents to release salary of the applicant and permit the applicant to attend the office after setting aside the order conveyed to the applicant under memo dated August 13, 2019 by which pay of the applicant is withheld.

The applicant joined in the post of G.D.A. (Group 'D') in the establishment of Chief Medical Officer of Health, Diamond Harbour Health District on the basis of the order issued by the Chief Medical Officer of Health, Diamond Harbour Health District on February 04, 2019. It appears from the order of appointment that the applicant was permitted to join temporarily pending verification of antecedents (P.V.R.) from the Police Department. The impugned order dated August 13, 2019 indicates that a criminal case is pending against the applicant and charge-sheet has already been submitted against the applicant in the said criminal case on the allegation of committing offence u/s 323/354/506/34 of Indian Penal Code. In view of pendency of the criminal case against the applicant

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	<p>the Intelligence Department of Police has not cleared the case of the applicant and as such salary of the applicant has been withheld by the impugned order dated August 13, 2019.</p> <p>With the above factual matrix, Mr. Halder, Learned Counsel for the applicant contends that the interim order may be passed for disbursement of salary pending final decision of the original application, so that the applicant may get monthly salary, particularly when the applicant has already approached the Hon'ble High Court at Calcutta praying for quashing of the criminal proceeding pending against the applicant. He further submits that the criminal case has been started against the applicant in a malafide way and as such the criminal proceeding is liable to quashed in due course.</p> <p>No notice has yet been served on the state respondents by the applicant and as such we are not in a position to hear the state respondents at this stage. Since the applicant is involved in a criminal case where charge-sheet has already been submitted before the competent Court of Law and since the said criminal proceeding has not yet been quashed by the Hon'ble High Court, we cannot persuade ourselves to</p>	

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Csm	<p>pass an interim order by directing the respondents to release the salary of the applicant pending final decision of the present original application before the Tribunal. So prayer for interim order is refused.</p> <p>The applicant is directed to serve notice and copy of the application along with annexures on all the respondents by speed post within a period of 04 (four) weeks and file an Affidavit of Service in this regard on the next date of hearing. List the matter under the heading 'Admission Hearing' on December 17, 2019.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	