

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble P.Ramesh Kumar (Administrative Member)****Case No. OA- 943 OF 2016****KUSHA MUNDA 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 style="text-align: center;"><u>07</u> 06.02.19</p>	<p>For the Applicant : Mr.M.Sarkar Advocate</p> <p>For the Respondents : Mr.M.N.Roy Advocate</p> <p>Mr.M.Sarkar, learned advocate appearing on behalf of the applicant submits that the Original application being No. OA-943 of 2016 may be taken up for hearing which Mr.M.N.Roy, learned advocate for the State respondent in his usual fairness does not oppose. Therefore, the matter which is appearing under the heading "New Application" is taken up for hearing.</p> <p>In this application, the applicant has prayed for a direction upon the respondents to give appointment in the West Bengal Police as though he was selected for the post of constable he could not be appointed as a criminal case was pending. Since by judgement dated 24th February, 2015 passed by the Additional Sessions Judge, Fast Track Court, Ranaghat, Nadia, the applicant has been found not guilty of the offence punishable under section 398 I.P.C and he has been acquitted under section 235 (1) of Cr.P.C. therefore appropriate direction may be issued upon Superintendent of Police, Nadia, the</p>	

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	<p>respondent No. 2 to consider the representation dated 14th August, 2015 for appointment.</p> <p>Mr.M.N.Roy, learned advocate appearing for the respondents submits that if directed the respondent No.2 shall consider the representation in accordance with law.</p> <p>Having heard Mr.Sarkar and Mr. Roy, learned advocates for the parties and considering the facts and circumstances of the case, since it is contended on behalf of the applicant that the applicant was selected for the post of constable and appointment could not be given due to the pendency of the criminal case and as we find that the applicant has been found not guilty and acquitted, considering such fact the original application is disposed of by directing the Superintendent of Police, Nadia, the respondent No.2 to dispose of the representation dated 14th August, 2015 by passing a reasoned order to be communicated to the parties within 16 weeks from the date of presentation of a copy of this order after giving an opportunity of hearing, after verifying the records and after going through the</p>	

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BLR	<p>judgement dated 24th February, 2015. It is made clear that we have not gone into the merits of the matter and all points are left open to be dealt with by the respondent No. 2.</p> <p style="text-align: center;"> (P.RAMESH KUMAR) MEMBER(A) </p> <p style="text-align: center;"> (SOUMITRA PAL) CHAIRMAN </p>	