

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-122 of 2019.**Debi Prasad Misra. Vs The State of West Bengal & Others.**

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;">05</p> <p>-----</p> <p>03-07-2019</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the State Respondent Nos. 1 & 2 : Mr. A. De, Mrs. R. Sarkar, Departmental Representatives.</p> <p>For the State Respondent Nos. 3 & 4 : None.</p> <p>The instant application has been filed basically challenged the order of suspension, which was imposed upon the applicant on 26-03-2009 under Rule 7(2) of the West Bengal Services (Classification, Control and Appeal) Rules, 1971. However, subsequently the applicant was Honourably acquitted from the Criminal Court on 15-01-2018. Since thereafter the applicant approached the District Magistrate on 07-03-2018 for revocation of his suspension order. As no action has been taken till date, being aggrieved with, he has approached this Tribunal. This Tribunal on 03-04-2019 had directed the respondents to take</p>	

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	<p>appropriate steps with regard to the representation. However as per the applicant till date no action has been taken in this regard.</p> <p>The Departmental Representative for the respondent nos. 1 & 2 has fairly submitted that they communicated our order dated 03-04-2019, vide E-mail on 17-04-2019 to the District Magistrate, R.M. Section, Krishnagar, Nadia. Further the Joint Secretary to the Govt. of West Bengal vide his communication dated 30-04-2019 also requested the District Magistrate and Collector, Nadia to take appropriate steps with regard to the representation and sent the status report before the next date of hearing. Let both the letter be kept on record. However as per Departmental Representatives till date they have not received any communication from the District Magistrate. None for the respondent nos. 3 & 4 is appearing though affidavit of service has been filed enclosing the receipt of communication made to the respondent nos. 2 & 3.</p>	

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	<p>Heard the parties and perused the records. It is noted that one representation was still pending before the District Magistrate since March, 2018. The Tribunal Order dated 03-04-2019 had directed the respondents to take appropriate steps for consideration of the representation. However though the respondent nos. 1 & 2 had taken steps by way of communicating the respondent no. 3 and Collector, Nadia to consider the representation of the applicant but till date neither any representative on behalf of the respondent nos. 3 & 4 is present before the Court nor had the District Magistrate considered the representation till date.</p> <p>In view of the above facts and circumstances we constrained to express our displeasure with regard to the non-action on the part of the respondent no. 3 i.e. District Magistrate. However we grant one last chance to take appropriate steps in this regard and file a report before us with regard to the</p>	

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Mihir	<p>implementation of our earlier order.</p> <p>Let the matter be listed on 24-09-2019 under the same heading. Registry is directed to send the copy of this order to the respondent nos. 3 & 4.</p> <p>Plain copy.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	