

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>06</p> <p>-----</p> <p>24-09-2019</p>	<p>For the Applicant : Mrs.S. Mitra, Advocate.</p> <p>For the State Respondent Nos. 1 &amp; 2: Mr.A. De, Mrs. R. Sarkar, Departmental Representatives.</p> <p>For the Respondent No. 3 &amp; 4 : Mr. R. A. Chowdhury, Advocate.</p> <p>The instant application has been filed praying for the following relief :-</p> <p><b>(a) An order do issue setting aside and/or quashing the order of suspension bearing no. 906/(9)/Estt. Dated 26-03-2009 issued by the District Magistrate &amp; Collector, Nadia, forthwith;</b></p> <p><b>(b) An order do issue directing the respondents more particularly the District Magistrate &amp; Collector, Nadia to rescind, cancel and/or withdraw the order of suspension</b></p>	

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	<p><b>dated 26-03-2009 forthwith;</b></p> <p><b>(c) An order do issue directing the respondents more particularly the District Magistrate &amp; Collector, Nadia to allow the applicant to join his service, forthwith;</b></p> <p><b>(d) An order do issue directing the respondents more particularly the District Magistrate &amp; Collector, Nadia to release the arrear salary and other consequential service benefits together with interest @ 18% p.a., forthwith;</b></p> <p><b>(e) An order do issue directing the respondents more particularly the District Magistrate &amp; Collector, Nadia not to give any effect or further effect of the order of suspension dated 26-03-2009 in any manner whatsoever;</b></p> <p>As per the applicant, he was suspended on 26-03-2009 (Annexure-C) under Sub-Rule (2) of</p>	

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	<p>Rule 7 of West Bengal Services (CCA) Rules, 1971 on the charge of breach of official duty in connection with the preparation etc. of Electoral Rolls under Section 32 of the Representation of the Peoples Act, 1950 read with Section 171B/192/196/198/465/471 IPC. One criminal case was also filed against him under GR No. 304 of 2009, which was disposed of vide order dated 15-01-2018 by way of acquitting the applicant from the charges in the criminal case. Thereafter the applicant made an application before the District Magistrate and Collector, Nadia on 07-03-2018 for revocation of suspension order vide letter dated 07-03-2018 which was received by them on the same date (Annexure-E) but till date no decision has been communicated to him. Being aggrieved with, he has filed the instant application.</p> <p>Therefore the Counsel for the applicant has submitted that it would suffice his purpose if the respondent no. 3 would be directed to consider the case as per rules and</p>	

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	<p>communicate the decision within a stipulated period of time. Therefore the Counsel for the applicant has also submitted that not only he has been acquitted but no review has been made after 90 days as per statutory rules. Therefore he has prayed for quashing of the suspension order.</p> <p>The Counsel for the respondent no. 3 has submitted that the applicant was called for personal hearing on 13-09-2019 and his case is under active consideration by the District Magistrate. However, he has no objection with regard to consideration of the case of the applicant.</p> <p>In view of the above, respondent no. 3 is directed to consider the case of the applicant as per rules treating the OA as a part of it and communicate the decision by way of reasoned and speaking order within a period of 4(four) weeks from the date of receipt of this order.</p>	

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Mihir	<p>Accordingly, the OA is disposed of with no order as to cost.</p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	