

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

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No –OA 593 OF 2018

Srikanta Roy 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>1 07.09.2018</p>	<p>For the Applicant : Mr. S. De, Mr. B.K. Samanta, Learned Advocates.</p> <p>For the State Respondents : Mr. S.N. Ray, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to pay him full salary from June 24, 1997 to September 30, 2009 and other ancillary reliefs.</p> <p>The applicant claims to have been working as Upper Division Assistant in the office of West Bengal Commercial Tax. The contention of the applicant is that he was suspended from service w.e.f. June 24, 1997 and departmental enquiry was started against him by issuance of the charge sheet on July 14, 1997. The further contention of the applicant is that a criminal case was also started against him on the self-same charge on which departmental enquiry was initiated, but the applicant was acquitted of the charge by the competent Court of Law on July 7, 2001. It is also contended on behalf of the applicant that the applicant approached this Tribunal for revocation of suspension and completion of departmental enquiry within specific period of time. By order dated December 2, 2013 passed in OA 540 of 2013, this Tribunal quashed the disciplinary proceeding pending against the applicant. Learned Counsel for the applicant further submits that</p>	

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	<p>the State respondents challenged the order of the Tribunal before the Division Bench of the Hon'ble High Court and ultimately on February 24, 2016 the Division Bench of the Hon'ble High Court extended the period for completion of departmental enquiry upto April 30, 2016 by order dated February 24, 2016 in CAN No. 2243 of 2015 arising out of WPST No. 200 of 2014. It appears from the said order that if the departmental enquiry is not completed by April 30, 2016, the proceedings will be dropped without further reference to the Hon'ble High Court. It is specific submission of Learned Counsel for the applicant that the departmental enquiry was not concluded within April 30, 2016 and by virtue of the order of the Hon'ble High Court the said departmental enquiry was dropped.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we cannot come to the conclusion that the applicant has been acquitted of the charge by the Criminal Court in the year 2001. However, since the applicant has already retired from service on September 30, 2009 and the departmental enquiry if not concluded within April 30, 2016 must have been dropped, we are of the view that the entitlement of the applicant to get financial benefit before retirement and pensionary benefit after retirement need to be decided by the authority concerned. It is specifically contended by the applicant that a representation in this regard is submitted by the applicant before the Respondent No. 2 and other respondents on May 2, 2018, but the same is still pending for consideration. Accordingly,</p>	

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Rajib	<p>Respondent No. 2, Commissioner of Commercial Tax, West Bengal is directed to consider the representation of the applicant dated May 2, 2018 (Annexure I to the original application) in accordance with law by passing a reasoned order within a period of 12 weeks from the date of communication of the order and to communicate the result of the same to the applicant within a period of 2 weeks thereafter. The applicant is directed to serve copy of this order along with copy of the original application and its annexures on the Respondent No. 2 by speed post within a period of 2 weeks from this date.</p> <p>With the above direction, the original application is disposed of.</p> <p>Let a plain copy of the order be supplied to both the parties.</p> <p style="text-align: center;">(Dr. S.K. Das) Member (A)</p> <p style="text-align: center;">(R.K. Bag) Member (J)</p>	

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