

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-687 of 2018.Subhas Chandra Roy. 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>03</p> <p>-----</p> <p>16-11-2018</p>	<p>For the Applicant : Mr.G. P. Banerjee, Advocate.</p> <p>For the State Respondents : Mr.M. N. Roy, Advocate.</p> <p>The instant application has been filed praying for the following reliefs :-</p> <p>(a) A direction do issue upon the concerned respondent authorities to forthwith set aside/quash/rescind/revoke the impugned Departmental Proceeding No. 10/09 dated 02-06-2009 so drawn up against the applicant, arrived at the Final Orders dated 24-06-2010 and 15-10-2015 both awarding punishments of reduction of 1(one) yearly increment and in dismissing the applicant from his service on the basis of his</p>	

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	<p>conviction vide Order of the Ld. Trial Court dated 17-06-2015 passed in Sessions Case No. 101/2012 Sessions Trial No. 03(04)/12 arising out of G.R.No.769/2008 in connection with the Coochbehar Kotwali P.S. Case No. 765/2008 dated 23-12-2008 which of the said order of conviction of the applicant has well been set aside by the solemn Order dated 19-04-2017 by the Hon'ble High Court, Calcutta in C.R.A. No. 432 of 2015 and further to direct the authorities concerned to forthwith allow the applicant to get re-instatement in his service as 'Constable' in WBP with all consequential benefits attached to his service on the basis of his representation dated 16-05-2017 for such, all being Annexure-'B' and 'C' herein and to command them to act strictly in</p>	

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	<p>accordance with law;</p> <p>(b) A direction do issue upon the concerned respondent authorities to forthwith produce and/or cause to be produced entire records relating to the applicant's case and on such production being made, render conscionable justice upon perusing the same;</p> <p>(c) And/or to pass such other or further Order or Orders as to this Hon'ble Tribunal may deem fit and proper.</p> <p>As per the applicant, one criminal case was filed in the year 2008 on the basis of Kotwali P.S. Case No. 765/2008 under Section 366, 376 & 212 of IPC. During the pendency of such criminal case, he was served with a punishment order of reduction of one year increment and ultimately he was convicted in the said criminal case by the Trial Court and</p>	

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	<p>after such conviction the applicant was dismissed from the service by order dated 15-10-2015 as per Rules. Subsequently, the applicant preferred an appeal before the Hon'ble High Court, which was allowed vide order dated 19-04-2017 by setting aside the order of conviction dated 17-06-2015. Thereafter the applicant made a representation dated 16-05-2017 before the authority for consideration of his case of reinstatement after the acquittal since he did not get any response from the authority. Being aggrieved with, he has filed the instant application.</p> <p>However, during the course of hearing, the Counsel for the applicant has submitted that it would suffice his purpose if the competent authority would be directed to consider his case and pass a reasoned and speaking order within a stipulated period of time after granting him a personal hearing. The Counsel for the respondent has no objection in such proposal.</p>	

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Mihir	<p>Accordingly, the respondent no. 4 i.e. Superintendent of Police, Darjeeling District is directed to consider the representation dated 16-05-2017 of the applicant and to take a decision within a stipulated period of time and communicated the same after granting the applicant a personal hearing by way of reasoned and speaking order within a period of 8(eight) weeks from the date of receipt of this order.</p> <p>Accordingly, the OA is disposed of with no order as to cost.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	