

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

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

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

Case No OA- 808 of 2015**Pasupati Panda –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;"><u>18</u> 23.04.2019</p>	<p><i>For the Applicant: Mr. S.K. Mondal, Advocate.</i></p> <p><i>For the Respondents: None.</i></p> <p><i>For the A.G. : Mr. B. Mitra, (Departmental Representative)</i></p> <p><i>The instant application has been filed praying for following relief:</i></p> <p><i>“i) Direction upon the respondent authorities to set aside or cancel and/or quash the order dated 12.03.2014 as well as the order of the departmental proceeding dated 03.09.2004 in connection with the charge of Howrah District Proceedings No. 7/94 dated 20.07.94 passed by the Disciplinary Authority.</i></p> <p><i>ii) Direction upon the concerned respondents to produce the entire records of the case of the applicant before this Hon'ble Tribunal so that conscionable justice may also rendered.</i></p> <p><i>iii) Direction upon the respondent authorities with an interim order to the effect that the respondents and/or the</i></p>	

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	<p><i>agents shall act and disposed of the application of the applicant as prayed for in the matter at an early date by setting aside the impugned order dated 12.03.2014 passed by the concerned Superintendent of Police, Howrah and the retiral benefits be adjust in the Pension Payment Order according to the scale of pay of the applicant as S.I. instead of A.S.I. and such action may be taken at an early date but likely to be taken within 4 weeks from the date."</i></p> <p><i>According to the applicant, while he was working as Officer-in-charge, Howrah Police Ration Store in the year 1992, he was implicated under section 409/120B of the Indian Penal Code on the charge of corruption and was arrested vide order dated 14.05.1994. Thereafter, he was served with a Charge Sheet dated 02.08.1994. Ultimately in the disciplinary proceedings, he was punished with an order of reversion from the post of S.I. to A.S.I vide Disciplinary Authority's order dated 03.09.2004 and also retired from the service on 30.09.2004. Subsequently he was acquitted from the criminal case vide order dated 17.04.2008. Thereafter he approached the Commissioner of Police,</i></p>	

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	<p><i>Howrah Commissionerate for reconsideration of his case on 20.01.2014. However, the Superintendent of Police, Howrah (Rural) vide his order dated 12.03.2014 had rejected the prayer of the applicant. Being aggrieved with, he has approached this Tribunal.</i></p> <p><i>No reply has been filed. However, Mr. R.K. Mondal, proxy counsel for the respondent has submitted that the applicant never challenged the punishment order within a stipulated period of time. Further, he had approached the wrong authority. Therefore, his case should be dismissed.</i></p> <p><i>Heard the parties and perused the records. It is noted that the applicant was reverted from the post of S.I. to A.S.I. vide Disciplinary Authority's order dated 03.09.2004. However, he never challenged the said order before the authority. In the meantime, he retired and was subsequently acquitted from criminal case dated 17.04.2008. Even then he approached the authority in the year 2014 only and that too as per the respondent before a wrong forum. Therefore, as the applicant has already accepted punishment order and even in this application, after a long time he has approached the authority without challenging the punishment order. Therefore, we do not</i></p>	

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A.K.P.	<p><i>find any reason to entertain the application. Accordingly, the O.A. is dismissed being devoid of merit.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	