

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal****&****The Hon'ble P. Ramesh Kumar.****Case No –OA-880 of 2016.****Naru Gopal Das. –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>15</u> 12.12.2018</p>	<p>For the Applicant : Mr. Soumendra Narayan Ray, Advocate.</p> <p>For the Respondents : Mr. Goutam Pathak Banerjee, Advocate.</p> <p>As prayed for leave granted to Mr. Goutam Pathak Banerjee, learned advocate for the respondents to paginate the written reply filed.</p> <p>In this application, Naru Gopal Das, the applicant, has prayed for several reliefs, the relevant portion of which is as under :</p> <p style="text-align: center;"><i>“(A) A direction to issue upon the concerned respondent authorities to forthwith supply the information that were sought for by the petitioner/applicant in the Second appeal filed before the respondent no.4 dated 4th January, 2016 which was received by the said authority on 4th January, 2016, to the petitioner/applicant.....”</i></p> <p>Mr. Soumendra Narayan Ray, learned advocate for the applicant referring to the order dated 29th November, 2018 submits that in spite of the order</p>	

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	<p>dated 6th May, 2016 passed in W. P. 6623 (W) of 2016 (Naru Gopal Das Vs. The State of West Bengal & Ors.) wherein it was held that "It is indeed true that neither the marks nor evaluation sheets/score sheets have been supplied. However, such issue cannot be examined in course of this writ petition," evaluation sheets/score sheets are yet to supplied. Though by order dated 29th November, 2018 directions were issued upon the Director General, Department of Fire & Emergency Services, Government of West Bengal to furnish a copy of the report vide no. WBFES/581/18 dated 1st February, 2018 it not been produced.</p> <p>Mr. Goutam Pathak Banerjee, learned advocate appearing on behalf of the State submits that since the Tribunal earlier was not properly assisted he has been requested by the authorities to assist the Court in this matter and for the first time he is appearing in this matter. Submission is as the Tribunal was not properly assisted the order on 29th November, 2018 was passed. Referring to the written reply, verified by the Director-in- Charge, Fire & Emergency Services, Government of West Bengal, filed by the State, particularly pages-24, 25 and 26 thereof it is submitted that all information</p>	

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	<p>have been provided. Submission is that pursuant to the order of the Supreme Court dated 20th January, 2012 the respondents had conducted the test on 24th February, 2012. The applicant had appeared and participated in the selection process. Subsequently the applicant had filed another petition before the Supreme Court which was dismissed on 3rd January, 2013 as evident from page-53 of the reply.</p> <p>In reply it is submitted by Mr. Soumendra Narayan Ray, learned advocate for the applicant that since the selection process is of 1996, those records and the original reports should have been produced.</p> <p>Heard learned advocates for the parties. It appears that the applicant has filed Special Leave Petition before the Supreme Court which was disposed of on 20th January, 2012 by passing the following order :</p> <p style="text-align: center;"><i>“.....Having heard learned counsel for the parties, we are of the opinion that the ends of justice would be served if the direction contained in the impugned order, dated 30th January, 2008, passed in WPST NO. 579 of 2006</i></p>	

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	<p><i>is given effect to even at this stage. Accordingly, we direct the Director General, West Bengal Fire Services, to call the petitioners for viva voce test, within four weeks of the receipt of a copy of this order. After their assessment in the viva voce test, the final result shall be compiled by taking into consideration the written and endurance tests already undergone by them. If on the basis of their overall performance, the petitioners are found to be eligible for appointment to the post of Sub-Officer in the Fire Services Department they shall be given appointment forthwith, relaxing the age bar, if any. Insofar their seniority is concerned, they shall be placed immediately below the Sub-Officers, who were selected pursuant to the advertisement issued some time in the year, 1995. However, we clarify that the petitioners shall not be entitled to any back wages for the period they have not</i></p>	

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	<p><i>worked.</i></p> <p><i>The special leave petition stands disposed of in above terms....."</i></p> <p>It appears that the applicant had participated in the selection process as evident from pages -24, 25 and 26 of the reply.</p> <p>We have gone through the information sought for from pages-43 and 44 of the application. The answers are at pages 24 to 26 of the reply. It is also reveals that Director General, West Bengal Fire & Emergency Services was the Chairman and Joint Secretary, Deptt. Of Fire & Emergency Services, Director, West Bengal Fire & Emergency Services and Deputy Director (FP), West Bengal Fire & Emergency Services were the members of the Board.</p> <p>The submission of Mr. Ray, for producing the records of the selection process of 1995 cannot be granted as pursuant to the direction of the Supreme Court the applicant has participated in the selection process on 24th February, 2012, as evident from the signature in the attendance register annexed to the reply. Now he cannot turn back seek the records of 1995. On a query Mr. Goutam Pathak Banerjee submits</p>	

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Sourav.	<p>on instruction that Mr. Durgapada Tarania was the Chairman and Sk. Ahmed, Joint Secretary, Mr. Gopal Bhattacharya, Director and Mr. Asit Kumar Sarkar, Deputy Director were the members of the Board.</p> <p>So far as the prayer of the applicant for having copy of the report as directed by the order dated 29th November, 2018 is concerned, we are of the view that had the Tribunal been properly assisted, we would not have passed the said order. Hence no order is passed on this application. The application is disposed of.</p> <p>(P. RAMESH KUMAR) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	