

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 1323 of 2014

Nasirul Haque v/s 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
15 19.09.2018	<p>For the Applicant : Mr. A.K. Das Sinha, Learned Advocate.</p> <p>For the Respondents : Mr. M.N. Roy, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for fixation of seniority of the applicant and giving consequential service benefits.</p> <p>The applicant was appointed in the post of Constable of Kolkata Police on January 1, 2002. He was discharged from service in exercise of power conferred under Rule 66, Chapter XV of Police Regulation of Kolkata w.e.f. June 1, 2002. The applicant was reinstated in the service on March 10, 2009 by order of the Deputy Commissioner of Police, Headquarters, Kolkata in compliance with the direction given by this Tribunal on December 24, 2008 in OA-1138 of 2002. The applicant submitted one application before the respondent no. 3 praying for fixation of seniority of the applicant on January 16, 2014, but the said application has not been considered by the concerned respondent till date.</p> <p>Mr. Das Sinha, Learned Counsel for the applicant contends that the applicant is entitled to be placed in the list of seniority of Constables of Kolkata Police immediately above his</p>	

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Form No.

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Case No. **OA-1323 of 2014**

junior. On the other hand, Mr. M.N. Roy, Learned Counsel representing the state respondents, submits that the applicant is not entitled to get seniority along with his batch-mates as the applicant was discharged from service in the year 2002 and he was permitted to resume duty by the order of the Tribunal in the year 2009. He further submits that the Tribunal did not give any direction for giving the applicant benefit of continuity of service for fixation of seniority of the applicant above his immediate junior in the same cadre.

Having heard Learned Counsel representing both parties and on consideration of background of filing the present application, we direct the respondent no. 2, Commissioner of Police, Kolkata to consider the representation submitted by the applicant before the respondent no. 3 on January 16, 2014 in accordance with law within a period of 12 (twelve) weeks from the date of communication of the order and intimate the result of the same to the applicant within a period of 4 (four) weeks thereafter.

With the above direction, the original application stands **disposed of.**

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib