

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. - OA 911 OF 2017

NARAYAN PATTENDAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. G. Halder,
and Advocate
Date of For the State Respondents : Mr. G.P. Banerjee,
order Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the
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13.12.2024 Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in
exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act,
1985.

In this application, the applicant has prayed for a direction upon the respondent
authorities to set aside the impugned decision taken by the respondent authority in its order
No.832 dated 12.07.2016. By a correspondence of the Home Department, addressed to the
Superintendent of Police, it was communicated that the applicant, Narayan Pattendar, was
found unsuitable for employment to the post of Lower Division Clerk. After being
successful in the recruitment process, the applicant was selected to the post of a Lower
Division Clerk in the Department of Food and Supplies by a memo No. 2823 dated
04.11.2009. Accordingly, the applicant was required to clear the medical fitness and the
police verification and his antecedents to be cleared by filling the Verification Roll.

In the particular column, where the candidate has been asked if he was ever arrested,
detained or convicted by any court for any offence, the applicant had written "NA" meaning
not applicable, i.e. he was neither arrested / detained nor convicted by any court of law. But
it was found by the respondent authorities during verification of his background that the
applicant was, in fact, involved in a criminal case and arrested on 08.09.2002 in connection
with a criminal case, being G.R. case No.879 of 2002 under Section 498A/34 IPC.
Subsequently, he was acquitted from the case by order of the Judicial Magistrate, 1st Class
2nd Court Ranaghat, Nadia on 14.08.2014. The Tribunal finds that the applicant had neither
mentioned this fact of his arrest while filling the Verification Roll nor informed by any other
means to his appointing authority. In the rejoinder to the reply filed by the applicant, he
ascribes such suppression of the fact due to mistake and / or "inadvertent". It is the
observation of this Tribunal that though he was acquitted from such criminal case and such
acquittal would not have created any hurdles for his proper appointment, but by not
admitting his involvement in the case, the applicant has not only suppressed this important

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point, but also leaves the impression that he was not honest. Such suppression of fact is not to be expected from an employee.

With the above observation, the Tribunal finds that it was the correct decision taken by the respondent authorities in declaring the applicant as 'unsuitable' for any government appointment.

This application is disposed of without any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.

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