

**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 124 OF 2025**

**MD. ISRAFUL - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. Bijoy Kumar Choudhury,  
and Learned Advocate  
Date of For the State Respondents : Mr. M.N. Roy,  
order Learned Advocate

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26.06.2025

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

The prayer in this application is for a direction to the respondent authorities to consider the application of the applicant sympathetically and allow him to rejoin the service within a stipulated time after considering his representation dated 08.08.2023.

The applicant, a police constable at Police Station, Darjeeling Range, joined on 04.05.1991, made an application for transfer from Darjeeling to Malda on 13.12.1993 citing several ailments of his mother and father. Due to his illness he could not perform his duties properly as a result a proceeding No.6/98 had been drawn up against him without issuing show cause or any notice to him or without giving him opportunity to explain his inability. The final order was passed on 23.05.2003 by the Superintendent of Police, Darjeeling and the appellate order, issued by the Deputy Inspector General of Police, Darjeeling Range, Darjeeling on 22.09.2003, clearly mentioned that the appeal was made after lapse of 37 days, therefore, it was not taken into account for consideration. The applicant had furnished a representation before the Deputy Inspector General of Police, Darjeeling Range on 08.08.2023 praying for sympathetic consideration of his case and for allowing him to rejoin as Constable in the previous position.

After examination of the records, the Tribunal comes to the conclusion that since there is no infirmity or biasness or procedural error in the departmental proceedings and as the applicant himself admitted that he could not perform his duties properly, the Tribunal does not interfere with the final order passed by the respondent authority. It is judicious in nature. The application is disposed without passing any orders.

SCN.

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