

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. –OA 202 of 2020

Abhijit Mandal - **VERSUS** - The State of West Bengal & Ors.

Serial No. and Date of order For the Applicant : Mr. A.K. Das Sinha,
Learned Advocate.

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01.09.2022 For the State Respondents : Mr. G.P. Banerjee,
Mr. B.P. Roy,
Learned Advocates.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for following reliefs :

- (a) *“ Necessary direction upon the respondent No. 3 to dispose the appeal preferred by the applicant under Rule 883/PRB-Vol-I at the earliest.*
- (b) *Necessary direction upon the respondents to consider the case regarding dispose of the appeal of the applicant sympathetically and allow him in service.*
- (c) *To pass such other or further order or orders as your Lordships may deem fit and proper.”*

As per the applicant, after being selected as Police Constable, the applicant joined to the said post on 23.06.2012 at Siliguri G.R.P. However, in the 2nd weeks of May, 2013, suddenly he became ill and lost his sanity and for that reason, he remained unauthorised absent for 471 days. Subsequently, he was served with a Charge Sheet dated 15.07.2016 (Annexure-F) for gross indiscipline and negligence of his duty as he remained unauthorised absent from

ORDER SHEET

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Head Quarter w.e.f. 12.03.2016 till 2017 and ultimately vide order dated 11.07.2017, he was dismissed from service for unauthorised absent. According to the applicant, he preferred an appeal before the Deputy Inspector General of Police on 02.01.2020 (Annexure-G). However, as he has not received any communication, being aggrieved with, he has filed the instant application.

The counsel for the state respondents has vehemently objected to the prayer of the applicant and submitted that as per 883/PRB-Vol-I, the applicant ought to prefer an appeal before the Deputy Inspection General of Police, Armed Police within 37 days from the date of receipt of the final order. But the applicant has made so called appeal on 02.01.2020 i.e much beyond the statutory period. Further, the said letter dated 02.01.2020 cannot be treated as an appeal as the applicant never asked for quashing of the final order dated 11.07.2017. Therefore, the respondents have prayed for rejection of the application.

During the course of the hearing, the counsel for the applicant has submitted that he wants to withdraw this application with a liberty to file an appeal afresh before the Authority.

Accordingly, the OA is dismissed as withdrawn.

Mrs. URMITA DATTA (SEN)
Officiating Chairperson & Member (J)

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