

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 784 of 2018.

KOUSHIK MARJIT – VS- 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
<p>4</p> <hr/> <p>29.11.2018.</p>	<p>For the Applicant : Mr. I. Roy, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>Mr. I. Roy, learned advocate for the applicant submits that the matter is similar to OA 472 of 2018, which is appearing in today's list, and interim order, as prayed for, in this application may be passed restraining the respondents from proceeding with the employment notification dated 25th August, 2018 for recruitment to the post of Sub Inspectors in the Subordinate Food and Supplies Service (Grade –III) under the Department of Food and Supplies, Government of West Bengal as it may jeopardise his appointment in the said post. It is further submitted with regard to recruitment process initiated earlier the CID was directed to conduct an enquiry. As CID found nothing, now police has no authority to conduct an enquiry on a complaint lodged. Since nothing has been found till date against the applicant by the law enforcing authorities, appropriate interim order may be passed for appointing the applicant.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the state respondent opposes the prayer for</p>	

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	<p>interim order to stay the notification dated 25th August, 2018 for recruitment to the post of Sub Inspectors in the subordinate Food and Supplies Service (Grade –III) as it may jeopardise fresh recruitment. On a query, it is submitted that the matter is similar to OA 472 of 2018 appearing as item no. 29 in today's list, wherein an interim order has been passed directing appointment on certain conditions. Mr. Banerjee further submits that though FIR was lodged with the New Market Police Station, Kolkata on 15th May, 2018 on a written complaint, being P.S. Case No. 181 of 2018 , till date there has been no progress in the investigation. Though there is no grievance against the applicant, however as the entire selection process is under question, complaint has been lodged.</p> <p>Heard Mr. Roy and Mr. Banerjee, learned advocates for the parties. So far prayer 9(b) is concerned, the notification dated 25th August, 2018 relating to fresh recruitment, no stay is granted. However, as even after filing of FIR, nothing adverse has been found against the applicant considering such fact let interim order be passed directing the Principal Secretary, Department of</p>	

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Skg.	<p>Food and Supplies, – the Respondent no. 2, to appoint the applicant within ten weeks from the date of presentation of a copy of this order on compliance of formalities, if any. It is however made clear that such appointment will be provisional and/or temporary and will be without prejudice to the rights and contentions of the parties in this application and will not create any equity or right in favour of the applicant. It is also made clear that the pendency of this application shall not prevent the law enforcing authorities to proceed with the investigation. Let the matter appear under the heading “Hearing” on 7th February, 2019.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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