

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA-658 of 2018****Akshay Kumar Bhattacharjee –Vs- The State of West Bengal & Others.**

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 style="text-align: center;"><u>2</u> 10.01.2019</p>	<p><i>For the Applicant : Mr. S.S. Chatterjee, Mr. S. Maji, Advocates.</i></p> <p><i>For the Respondents : Mr. G.P. Banerjee, Advocate.</i></p> <p><i>The instant application has been filed praying for following relief:</i></p> <p><i>“a) Directing the respondent authorities to disburse all the pensionary benefits, including Provident fund along with gratuity and interest of the applicant.</i></p> <p><i>b) Directing the respondent authorities to disburse the unpaid salary of the applicant for the period of July 23rd 2001 to 22nd July, 2007 forthwith.</i></p> <p><i>c) Directing the respondent authorities to start and/or disburse the monthly pension of the applicant with immediate effect.</i></p> <p><i>d) Any other order or orders as to your Lordships may deem fit and proper.”</i></p> <p><i>However, during the course of the hearing, the counsel for the applicant has submitted that though he was dismissed from service by order dated 31st July, 2003</i></p>	

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	<p><i>(Annexure P/1) on the ground that one criminal case is pending. He had been charge sheeted in the criminal proceedings. Thereafter, the applicant approached this Tribunal in O.A. No. 49/2004, which was disposed of by this Tribunal vide order dated 25th March, 2009 with liberty to the applicant to make representation before the authority for reconsideration of his punishment if the Criminal Court's order would go in favour of him. Being aggrieved with he has filed one Writ Petition being No. WPST No. 357/2009 and the Hon'ble High Court had affirmed the order of the Tribunal. Subsequently, the applicant has been acquitted by the Hon'ble High Court by setting aside the conviction order of the Trial Court vide order dated 12.12.2017. Thereafter, the applicant had approached before the disciplinary authority on 17.04.2018 for reconsideration of his case in the light of the High Court's Judgement. Since no decision has been communicated to him, being aggrieved with, he has approached this Tribunal. During the course of the hearing the counsel for the applicant has submitted that as he has already submitted one representation before the Authority for reconsideration of his case as per the liberty granted by the Hon'ble High Court, it would suffice his purpose if the Authority would consider his case by passing reasoned and</i></p>	

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	<p><i>speaking order within a stipulated period of time.</i></p> <p><i>The counsel for the respondent has no objection to such proposition.</i></p> <p><i>We have heard both the parties and perused the record. It is noted that the applicant was earlier dismissed on 31.07.2003. Subsequently, he approached this Tribunal and this Tribunal vide their order dated 25.03.2009 has passed the following order:</i></p> <p><i>“Thus after hearing both the sides, we would like to dispose of this application with liberty to the petitioner that after getting final judgement of the criminal court, he shall produce the same before the disciplinary authority if the verdict of the criminal court favours his case and in that case, the disciplinary authority as soon as the verdict of the criminal court is produced, record an order in accordance with law after hearing the petitioner within six weeks on production of the copy of the order of the criminal court. With this observation, we dispose of this</i></p>	

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	<p><i>application."</i></p> <p><i>Subsequently, Hon'ble High Court vide order dated 08.05.2009 has passed the following order:</i></p> <p><i>"In our opinion since the disciplinary proceeding has already ended in dismissal of service we are not inclined to interfere with the order of the Tribunal which, we find, is a very equitable order in the sense that the Tribunal has held in the event the verdict of the Criminal Court goes in favour of the Petitioner, the Disciplinary Authority would take note of the same and proceed accordingly.</i></p> <p><i>Keeping in view the order passed by the learned Tribunal, which has been made the subject matter in this Application, we feel there is very little scope for us to interfere with the same.</i></p> <p><i>Accordingly, the Application stands disposed of."</i></p> <p><i>As the applicant has already filed application in the light of the observation made by this Tribunal as well as Hon'ble High Court of the respondent is directed to reconsider the case of the applicant as per law and to pass</i></p>	

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A.K.P.	<p><i>reasoned and speaking order after granting him a personal hearing within a period of twelve weeks from the date of the receipt of the order. We have made it clear that nothing has been observed on the merit of the case. Accordingly, the O.A. is disposed of.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	