

28.06.2021
Item no. 19

Aloke
Ct. no.16

(Through Video Conference)

WPST 31 of 2021

Sabyasachi Patra
Versus
State of West Bengal & Ors.

Mr. Soruav Halder, adv.
Mr. Biswarup Nandy
... for the petitioner
Mr. Biswabrata Basu Mallick, adv.
... for the State

This writ petition is directed against the order passed by the learned Tribunal dated August 6, 2019 in OA No. 339 of 2019 in which the writ petitioner has challenged the order of the Deputy Commissioner of Police dated November 25, 2013 passed in terms of a direction passed by the Tribunal in OA No. 772 of 2013.

We have perused the Rule 34(1) and 34(2) of DCRB Rule. The petitioner has been reinstated in terms of Rule 34(1) of West Bengal Death Cum Reiterement Rules, 1971. The benefit of Rule 34(2) in the instant case would be meaningless as he would be otherwise eligible for pension and other retirement benefits by reason of his reinstatement in terms of Rule 34(1) of DCRB Rule.

On such consideration the discretion of the authority concerned in observing that the period of breaking service between the date of discharge and the date of joining to the

post following reinstatement shall not count towards service as the Rule 34 (2) of the West Bengal Death Cum Retirement Benefits Rules, 1971 shall not prejudice the petitioner. We, however, make it clear that on our understanding that he would be entitled to all retirement benefits and there would not be any deficiency in service in receiving all retiral benefits because of his arrest and suspension, we are not interfering with the order passed by the learned Tribunal.

With the aforesaid observation, WPST 31 of 2021 is disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)