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05.04.2023
SB
Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 2881 of 2022

Tarani Kanta Barman
-versus-
The State of West Bengal & Ors.

Ms. Suman Sehanabis (Mondal)
Mr. Salok Sah
...For the Petitioner

Mr. Bikramaditya Ghosh
...For N.B.S.T.C.

Mr. Subir Kr. Saha, Ld. A.G.P.
Ms. Bedashruti Bose
... For the State

The petitioner was appointed on temporary basis for the post of Inspector (M.R.) under the North Bengal State Transport Corporation (for short Transport Corporation) and joined service on September 30, 1991. Due to pendency of a criminal case against the petitioner arising out of Dinhata Police Station Case No. 138 of 1990 dated April 11, 1990, the petitioner was placed under suspension with effect from January 9, 1997 and a disciplinary proceeding was initiated against the petitioner. The disciplinary proceeding was concluded on July 9, 1997 by an order reverting the petitioner back to the casual status of Inspector and the period of his suspension was treated as on

punishment during which he would be entitled to subsistence allowance.

The said order passed in the disciplinary proceeding was carried into a departmental appeal and the Departmental Appellate Authority by its order dated **June 18, 1998 (Annexure P-3 at page 21 to the writ petition)** had observed that since the court case against the petitioner was pending, the petitioner would be allowed to remain as Inspector (M.R.) with retrospective effect from the date of issuance of final order of the respondent no. 4 dated July 9, 1997 till disposal of the court case and his prayer for absorption in service would be considered after obtaining final order from the court case.

The petitioner subsequently was acquitted from the criminal charges by the jurisdictional Criminal Court under its judgment and order dated September 29, 2004 at page 24 to the writ petition.

The de facto complainant preferred a revisional application from the said order of acquittal and this Court had remanded the jurisdictional Criminal Court to decide the matter afresh for the stage of argument.

Upon remand the matter was reconsidered and the order of acquittal was passed by the jurisdictional Criminal Court on February 22, 2012 **at page 59 to 62 to the writ petition.** This order of acquittal had achieved and attained its finality.

Since then, the petitioner had not received the benefit of the Departmental Appellate Authority order dated June 18, 1998 **(Annexure P-3 at page 21 to the writ petition).**

This is the third round of writ litigation carried out by the petitioner to receive the employment benefit in terms of the said Appellate Authority order dated June 18, 1998.

Several orders and directions were passed in the previous two rounds of writ petitions, the respondent authorities being the employer of the petitioner failed and neglected to give benefit to the petitioner, to which he is legally entitled to and eligible to receive the benefit after chequered longstanding litigations being carried out by him.

In the premises, the scope of this writ petition has now really narrowed down to the extent that the petitioner must get his employment benefit in terms of the department appellate order dated June 18, 1998 **(Annexure P-3 at page 21 to the writ petition).**

To sub-serve justice the respondent no. 2 shall immediately issue the necessary **Police Verification Roll (P.V.R.)** concerning the petitioner in favour of the respondent no. 4 without any further delay and positively within a period of two weeks from the date of communication of this order to the respondent no. 2, if not, the P.V.R. had already been issued in favour of the

respondent no. 4. In the event, from the record it is found that P.V.R. had already been issued previously by the respondent no. 2 in favour of the respondent no. 4 then within the aforesaid period as directed, the respondent no. 2 shall immediately in writing communicate the said fact with reference to all its related records and documents to the respondent no. 4 upon marking a copy of such communication to the petitioner.

As the case may be whether the P.V.R. shall be issued or the P.V.R. had already been received by the office of the respondent no. 4, the respondent no. 4 within a further period of four weeks after expiry of the said time frame of two weeks as directed above, **shall give effect to the said Departmental Appellate Authority order dated June 18, 1998 (Annexure P-3 at page 21 to the writ petition) taking into consideration the notional effect / benefit in every respect from the date February 22, 2012 being the date of final acquittal of the petitioner from the criminal charges (Annexure P-4 at page 59 to the writ petition) concerning all the employment benefit in every manner to which the petitioner is eligible to receive in accordance with law connected with his longstanding employment.**

It is made clear that the directions made as above are mandatory.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Mr. Subir Kumar Saha, learned counsel represented the respondent nos. 3 to 5.

Mr. Ghosh, learned counsel represented the respondent nos. 1 to 2.

On the above terms this writ petition being **W.P.A. 2881 of 2022** stands disposed of, without any order as to costs.

(ANIRUDDHA ROY, J.)