

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – **OA 878 OF 2017**

Narayan Debnath 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
04 13.03.2018	<p>For the Applicant : Mr. B. Chakraborty, Mrs. S. Agarwal, Learned Advocates.</p> <p>For the Respondents : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicant has prayed for quashing of the charge sheet issued by the respondent no. 2 on December 22, 2016 and the order passed by the same respondent no. 2 on April 4, 2017 and also prayed for direction upon the respondents to consider the representation submitted by the applicant on May 2, 2017 by filing the original application under section 19 of the Administrative Tribunals Act, 1985.</p> <p>It appears from the materials on record that the applicant was working as Finance Officer under the West Bengal University of Animal and Fishery Sciences. The applicant was placed under suspension on April 5, 2013 and the charge sheet was issued against the applicant on December 22, 2016 for initiation of departmental enquiry against him under the provisions of Rule 10 of the West Bengal Services (Classification, Control & Appeal) Rules, 1971. Admittedly, the applicant retired from service on December 31, 2016. The departmental enquiry initiated against the applicant by issuance of charge sheet on December 22, 2016 was converted to departmental enquiry under</p>	

ORDER SHEET

Narayan Debnath

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 878 OF 2017**

proviso (a) to Rule 10(1) of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 [in short WBS (DCRB) Rules, 1971] by an order issued by the respondent no. 2 on April 4, 2017.

Learned Counsel for the applicant submits that respondent no. 2 has no authority under the law to convert the departmental enquiry initiated against the applicant while he was in service into the departmental enquiry under the provisions of Rule 10 of the WBS (DCRB) Rules, 1971. We are unable to accept this contention made on behalf of the applicant in view of the clear provisions laid down in proviso (a) to sub-rule (1) of Rule 10 of the WBS (DCRB) Rules, 1971. We do not find any illegality in issuance of order dated April 4, 2017 by the respondent no. 2 (Annexure-P5 to the original application). Since there is no merit in the submission made on behalf of the applicant, we cannot persuade ourselves to direct the concerned respondent to consider the representation submitted by the applicant on May 2, 2017.

In view of our above findings, the original application is dismissed.

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib

ORDER SHEET

Narayan Debnath

Form No.

.....

Vs.

The State of West Bengal & Ors.

.....

Case No. **OA 878 OF 2017**

--	--	--