

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. – MA 46 of 2020 (OA 819 of 2018)

**Nagendra Singh VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. S.N. Ray, Learned Advocate.
	For the State Respondent	: N O N E.
<u>04</u> 12.02.2021		

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant application has been filed mainly praying for conclusion of the departmental proceedings vide Memo dated 02.04.2018. As per the applicant, he retired on 30.11.2017 and subsequently, he was served with the show-cause notice on 19.01.2018 (Annexure 'C') and subsequently, he was served with the second show-cause notice on 28.05.2018 which he replied on 11/06/2018 (Annexure 'F'). However, till date no decision has been communicated. Therefore, the counsel for the applicant has submitted that it would suffice his purpose, if the authority would be directed to conclude the departmental proceedings within a stipulated period of time as nearly three years has already been lapsed after the issuance of show cause notice.

The counsel for the applicant has also referred the case of Prem Nath Bali Vs. Registrar, High Court of Delhi & Another reported in (2015) 16 SCC 415 has referred the paragraph 28 of the said judgement, which is as follows :-

“Keeping these factors in mind, we are of the considered opinion that every employer (whether State or Private) must make sincere endeavour to conclude the departmental enquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six

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months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within the reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”

The Departmental representatives for the respondents has placed one communication dated 25.10.2019 issued by the P.S.C., W.B. and has submitted that they have to take steps accordingly.

M.A. has been filed praying for interim relief during the pendency of the O.A. Since the O.A. is being heard today, therefore, the M.A. has become infructuous.

Heard the parties and perused the records. It is noted that the second show cause notice was already issued on 07.01.2019 against which the applicant has submitted his reply on 18.02.2019, which was received by the Department on 19.02.2019. However, the P.S.C. had asked for certain documents on 25.10.2019 but no action was taken by the Respondents. Therefore, I direct the Respondent No. 2 to conclude the departmental proceedings within a period of six months and to take a final decision by way of passing a speaking and reasoned order as per rules and communicate the same from date of receipt of the order. In default, the proceedings should be vitiated. Accordingly, both the M.A. & OA are **disposed of**. Parties are directed to act on the Web Copy of the order.

Csm

Mrs. URMITA DATTA (SEN)  
MEMBER (J)