

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - MA 48 OF 2023 (OA 112 OF 2023)

DR. KAMALESH BHATTACHARYYA - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

04

04.07.2024

For the Applicant : Mr.Sankha Ghosh
Mr.Gourav Halder
Advocates

For the State Respondents : Mr.Goutam Pathak Banerjee
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order No. 446 dated 17.05.2023 passed by the Joint Secretary, Department of Health and Family Welfare. The grievance of the applicant is that in the impugned order, his period of suspension has been described as “spent on suspension”.

Submission of Mr.S.Ghosh, learned counsel is that by an order No. 350 dated 29.03.2022, the department had dropped the proceedings against him. Further, the Joint Secretary in this impugned order also mentions the same fact that the departmental proceedings were dropped against him and the suspension order was lifted with effect from 11.11.2022 and he was allowed to resume his duties. In the face of the fact that the departmental proceedings were dropped and his suspension revoked and thereafter he resumed his duties, Mr.Ghosh questions the validity of this order by which that period under suspension from 20.06.1995 to 11.11.2022 is still being considered as “spent on

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suspension”.

After examination of the records, the Tribunal finds the statement made by Mr.Ghosh relating to the dropping of the proceedings and revocation of the suspension order to be correct. In departmental parlance, it is difficult to understand why the period of suspension; when the suspension order was revoked, has been still treated as “spent on suspension”. The Tribunal feels that a comprehensive reply to the question raised above should be filed by the Department. Let such reply be filed positively by the next date and a copy be served upon the other side with liberty to file rejoinder, if so wished.

Let the matter appear under the heading ‘Hearing’ on 10th December, 2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR