

**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 2024 (OA 833 OF 2022)**

**ADDITIONAL EXCISE COMMISSIONER(LAW) - VERSUS - SOUMEN KUMAR SADHUKHAN & ORS.**

Serial No. For the Applicant / State : Mr. Manujendra Narayan Roy,  
and Original Respondents in O.A. Advocate

Date of order For the Respondents / Applicant No.1 in O.A. : Mr. Sankha Ghosh,  
Mrs. Subarna Das,  
Advocates

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05.08.2024

For the Respondents / Applicant No.2 & 3 in O.A. : Ms. A. Chakraborty,  
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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Let affidavit of service filed be kept on record. Let two separate Vakalatnamas, filed on behalf of the respondents / applicants in O.A., be kept on record.

The prayer in this application is for allowing the respondent authorities a further time of six months to conclude the pending departmental proceedings against the applicants in the original application being O.A. 833 of 2022. The original Application O.A. 833 of 2022, by an order dated 22.08.2023, was disposed of after directing the respondent authorities to conclude the departmental proceedings within a period of six months. Since it could not be concluded within the time limit given by the Tribunal, the application has been filed praying for further time of six months. The primary reason why such proceedings could not be concluded within this period is that, one witness, Illa Mondal, a lady Excise Constable, being on maternity leave, could not present her statement at the time the proceedings were being conducted.

Mr. S. Ghosh and Mrs. A. Chakraborty, learned counsels appearing on behalf of the respondents have opposed this prayer on the ground that in four other applications such disciplinary proceedings were quashed and set aside by this Tribunal. Further this application has been filed belatedly on 13.05.2024, whereas the disciplinary proceedings, as per direction of this Tribunal, ought to have been completed by February, 2024.

Submission is that by order of this Tribunal on 04.04.2024, the following applications were disposed of after setting aside the entire disciplinary proceedings. This application also relates to the same disciplinary proceedings.

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Form No.

**ADDITIONAL EXCISE COMMISSIONER(LAW)**

Vs.

**Case No. - MA 48 of 2024 (OA 833 OF 2022)**

**SOUMEN KUMAR SADHUKHAN & ORS.**

- OA 255 of 2023 : Tapas Bala vrs. State of W.B. & Ors.  
OA 256 of 2023 : Maharam Sk. vrs. State of W.B. & Ors.  
OA 504 of 2023 : Krishna Gore vrs. State of W.B. & Ors.  
OA 506 of 2023 : Naresh Sarkar vrs. State of W.B. & Ors.

Having heard the submissions, the Tribunal has found that, though the proceedings in this matter's original application, being O.A. 833 of 2022, is identical to the disciplinary proceedings related to the above four other applications, but such a direction setting aside the entire D.P. does not cover the same in O.A. 833 of 2022. It is clear that the other four applications in which the proceedings were set aside, the applicants in this application's related matter, O.A. 833 of 2022, being Soumen Kumar Sadhukhan, Amit Roy and Nayan Sarkar were not the charged officers or the applicants. Therefore, it does not satisfy this Tribunal that a direction passed in the other applications, the same direction will be applicable in this application (OA 833 of 2022). The Tribunal, being satisfied with the reason given by Mr. Roy, allows the prayer in this application, allowing the respondent authorities a further time of six months from today to conclude the departmental proceedings against the applicants in O.A. 833 of 2022.

The MA 48 of 2024 is disposed of.

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

SCN.