

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-59 OF 2021 (OA 429 of 2020)

The State of W.B. & Ors. VERSUS – Amit Das

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, (Respondent in OA) Learned Advocate.
<u>06</u> 02.09.2021	For the State Respondent	: Mr. M.N. Roy, (applicant in OA) Mr. G. Halder, Learned Advocates.

For the A.G.W.B. Mr. B. Mitra. (Departmental Representative)

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under sub-section (6) of Section 5 of The Administrative Tribunals Act, 1985.

Both the parties have drawn my attention that there are some typographical error in the order sheet dated 26.08.2021. Therefore, they have prayed for necessary correction in order sheet. Accordingly, the cause title would be "**The State of West Bengal & Ors. Vs. Amit Das**" in place of "**Ashoke Deb Vs. State of West Bengal & Ors**". and Mrs. S. Agarwal appearing for the applicant in MA-59/2021 and Mr. M.N. Roy & G. Halder appearing for the respondents and Mr. B. Mitra appearing for the Office of the A.G.W.B. in place of Mr. M.N. Roy for the applicant, Mrs. S. Agarwal for the state. Let these corrections be treated as a part of the order dated 26.08.2021.

Today, the counsel for the applicant in MA has placed one order dated 01.09.2021 and has drawn my attention that the Special Secretary to the Govt. Of W.B., U.D. & M.A. Department had already directed for making a payment of provisional pension for one year commencing from May, 2021 to April, 2022. The counsel for the applicant has also accepted that his client had

ORDER SHEET

Form No.

The State of W.B. & Ors.

Vs.

Case No. **MA-59 OF 2021 (OA 429 of 2020)**

Amit Das

received the said letter. However, he is not well aware whether actual payment has been made or not. Let the copies of the order be kept with the record.

06

02.09.2021

The instant MA application has been filed praying for extension of time of further six months to conclude the disciplinary proceeding, in addition to time already granted vide order dated 23.12.2020, which is as follows :-

“In view of the above, the respondent no. 2 is directed to conclude the disciplinary proceeding within a period of six months from the date of receipt of the order. The applicant is directed to cooperate with the respondent authority to complete the said proceeding. In the meantime, the department is directed to provide the provisional pension and other retirement benefit as per Rules within a period of one month.”

According to the applicant of the instant application, they have already started initiative to make payment of provisional pension since May 2021, however, as per the applicant, though the employee concerned Sri Amit Das has submitted his defence statement on 19.04.2021 before the disciplinary authority and the presenting officer had prayed for one month time to submit his report. However, due to the Pandemic situation of second wave of Covid-19, it could not be submitted and the disciplinary proceeding could not be concluded within six months of time as per Order dated 23.12.2020. Therefore, the state respondents have prayed for extension of six months time as last chance for conclusion of disciplinary proceeding.

Page/2

However, the counsel for the respondents/applicant in OA has

ORDER SHEET

Form No.

The State of W.B. & Ors.

Vs.

Case No. **MA-59 OF 2021 (OA 429 of 2020)**

Amit Das

06
02.09.2021

vehemently objected for such extension of time as there is no latches on his part for conclusion of disciplinary proceeding.

Heard both the parties and perused the record. It is noted that vide our order dated 23.12.2020, we had already directed the respondents to conclude the disciplinary proceeding within six months time as the disciplinary proceeding already initiated on 04.02.2020. However, due to the Second wave of Covid-19 Pandemic, the respondent could not complete the same. Therefore, I grant extension of further three months time from today to conclude the disciplinary proceeding as a last chance. Accordingly, the MA is disposed of with no order as to costs.

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

Mrs. URMITA DATTA (SEN)
MEMBER (J)

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