

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – MA-63 of 2022 (OA-780 of 2021)

Anup Kumar Roy VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. S.K. Nandi, Learned Advocate..
	For the State Respondents	:	Mr. M.N. Roy, Learned Advocate.
<u>03</u> 26.08.2022			

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

During the course of hearing, the counsel for the respondent has raised a preliminary objection on the point of maintainability both in OA as well as MA. It has been submitted by the counsel for the respondent that if the applicant wants to approach this Tribunal for re-consideration of his punishment order in view of the judgement of the criminal case, (wherein he has been acquitted from the charges). Since as per the applicant, the charges and issues are same in both Disciplinary Proceedings and the Criminal Proceedings. In that case, he has to first approach before the Disciplinary Authority for review of his order. However, as the applicant has straightway approached this Tribunal, therefore, the OA is premature.

The counsel for the applicant has submitted that he wants to withdraw the application with a liberty to approach before the Disciplinary Authority. Accordingly, both OA and MA are disposed of as withdrawn.

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URMITA DATTA (SEN)
MEMBER (J)