

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &
The Hon'ble Sayeed Ahmed Baba, Member (A)**

Case No. – MA-81 OF 2021 (OA-506 of 2021)

Shubhendu Bhattacharjya **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M.N. Roy,
Mr. G. Halder,
Learned Advocates.

02
28.09.2021

For the State Respondent : Mr. A. De,
Mr. A. Dutta,
Ms. R. Sarkar,
Departmental Representatives.

The counsel for the applicant has drawn our attention to the earlier order dated 11.12.2020, whereby the following order was passed :-

“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, we 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, OA is disposed. Parties are directed to act on the Web Copy of the order.”

The counsel for the applicant has further submitted that he has received the impugned final order dated 12.05.2021 on 12.08.2021 through his counsel and by Whats app and Email on 19.08.2021. Even in the meantime the respondent authority did not approach this Tribunal for extension of time to communicate the final order.

During the course of hearing, the counsel for the applicant has also referred Para 14 & 15 of the case reported (2009) SCC 180 Sethi Auto

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Vs.

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The State of West Bengal & Ors.

Service Station and Another Vs. Delhi Development Authority and Ors. and has prayed for quashing of the impugned order dated 12.05.2021.

The counsel for the applicant however, has prayed for interim protection with regard to final order in the interim. The counsel for the applicant has also prayed for stay of the order dated 12.05.2021. The respondents have opposed such prayer.

Heard both the sides and perused the records. The prayer of the respondents is allowed.

Since balance of convenience is in favour of the applicant, the respondents are directed not to take any coercive action in terms of the final order dated 12.05.2021 till the next date. Let the matter be listed on **16.11.2021** for admission hearing.

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.

SAYEED AHMED BABA
MEMBER (A)

URMITA DATTA (SEN)
MEMBER (J)

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