

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –MA 98 of 2022 (OA 406 of 2020)

Public Works Department & Others - **VERSUS** - Biswanath Das, Assistant Engineer, P.W.D

Serial No. For the Applicants/Respondents : Mr. S. Ghosh,
and Learned Advocate.

Date of order For the Respondents/Applicants : Mr. G.P. Banerjee,
02 Learned Advocate.
06.09.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The instant MA has been filed by the state respondents praying for an extension of time for compliance of the order dated 22.12.2020, whereby the following order is as under :

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

As per the applicant of the instant application, there was some inadvertently typographical error in the order dated 22.12.2020, which was subsequently rectify by order dated 23.12.2020. In the meantime, the COVID, 19 emerged. Subsequently, the Deputy Secretary (Vigilance), PWD requested the Deputy Secretary to the Government, Governor's Secretariat, Raj Bhavan, to expedite the process of imposition of penalty in order to conclude the disciplinary proceeding vide letter dated 19.05.2022 and 30.07.2020 (Annexure ^{X3}). Since the matter is pending before his Excellency Governor of West Bengal. Therefore, they could not complete the

ORDER SHEET

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disciplinary proceeding as per order dated 22.12.2020.

The counsel for the respondents/applicants has vehemently raised objection with regard to the maintainability of the instant MA. The counsel for the applicant/respondents further has drawn my attention to the order dated 22.12.2020 and has submitted that there is a clear clause default in the said order, which stipulated that if the disciplinary proceeding would not be completed within six months time, the proceeding would be vitiated. Therefore, no extension of time be granted to conclude the disciplinary proceeding.

Heard the parties and perused the record. It is noted that the respondent no. 1 has directed to conclude the disciplinary proceeding and communicate his final decision within a period of six months, if default the proceedings would be vitiated.

Therefore, in my consider opinion, the court has become functus officio after the expiry of six months time, since as per the order dated 22.12.2020, the proceeding had already vitiated.

In view of the above, there is no scope to entertain the instant application.

Accordingly, the MA is dismissed.

HS

Mrs. URMITA DATTA (SEN)
Officiating Chairperson & Member (J)