

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. – MA-01 of 2022, MA-02 of 2022
MA-07 of 2022 (OA-670 of 2019)**

Amal Krishna Roy VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. K. Basu, Mr. N. Pal, Learned Advocate.
<u>05</u> 15.02.2022	For the State Respondent	:	Mr. A. Dey, Ms. R. Sarkar, Departmental Representatives.

MA-01 of 2022 has been filed praying for leave to add Sri Tanmoy Roy, S.R.O-I, Office of the S.D.L.&L.R.O., Asansol, Paschim Bardhaman, enquiring authority as a party respondent in the instant MA.

During the course of hearing, the departmental representatives have submitted that they want to proceed with de novo enquiry as the enquiry report was issued on 26.11.2018 without supplying the relied upon documents. However, as per the direction of this Court dated 18.09.2019, the respondent authority had supplied the relied upon documents on 03.05.2021. However, thereafter, the respondent had proceeded with the second show cause notice on the basis of earlier inquiry report. Being aggrieved with, the applicant has preferred this instant MA application.

During the course of hearing, the departmental representative had prayed for leave to proceed with the de novo enquiry. Therefore, according to them, the instant application has become infructuous. The counsel for the applicant has no objection if the de novo enquiry would be conducted without taking into account the second show cause notice as well as earlier inquiry report..

The counsel for the applicant has further submitted that the main prayer in the original application was to conclude the disciplinary proceeding within two month's time since the disciplinary proceeding was

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initiated on 03.05.2017 without supplying the relied upon documents. Subsequently, the enquiry report also submitted on 26.11.2018 without supplying relied upon documents. . Being aggrieved with the applicant had approached this Tribunal.

In view of the above as the main purpose of the instant application has also been served, the MA-01 of 2022 is disposed of being infructuous.

It has been further submitted by the counsel for the applicant that since the disciplinary proceeding is pending for long; he is being deprived of from promotion as the juniors are going to be promoted. Therefore, the disciplinary authority may be directed to conclude the disciplinary proceeding within a period of two months as the applicant may be deprived of his promotional scopes.

Heard both the parties and perused the records. It is noted that the OA has been filed basically praying to the disciplinary authority to conclude the disciplinary proceeding within a period of two months after supplying the relied upon documents and other documents to the applicant as the enquiry report was submitted without supplying those relied upon documents. As per the Court's order dated 18.09.2019, the respondent authority ultimately supplied the documents on 08.05.2021 and the applicant had filed his reply on 25.10.2021. However without conducting any de novo enquiry , the respondent authority had proceeded with the disciplinary proceedings and had served the applicant Second Show Cause Notice on 08.11.2021, with regard to which presently the respondents have prayed for leave to conduct de novo enquiry on the basis of the reply dated 25.10.2021 filed by the applicant. Therefore, the Second Show Cause Notice has become infructuous as per the prayer of the respondents.

Accordingly, I direct the respondent authority to proceed with

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the de novo enquiry stage and complete the disciplinary proceeding within a period of six months time without further any delay as sufficient time has been passed for supplying the relied upon/relevant documents to the applicant. The applicant is also directed to cooperate with the respondents.

The departmental representatives' have submitted that unless the disciplinary proceeding would be completed and there is no scope of promotion. Further at present, no juniors have been promoted in the meantime. Therefore, he will not be deprived in the meantime.

Therefore, disciplinary authority is directed to conclude the disciplinary proceeding and to communicate the final order within a period of six months time from the date of receipt of this order by way of reasoned and speaking order. Since almost four years time has been lapsed already in the meantime, therefore, if the applicant will be entitled for consideration of any promotional prospect that would be subject to the outcome of the disciplinary proceedings.

In view of the above, all the MAs (MA-01/2022, MA-02/2022 & MA-07 of 2022) and OA-670 of 2019 are being disposed 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.

URMITA DATTA (SEN)
MEMBER (J)

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