

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-442 of 2020

Sumit Halder - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. A.K. Niyogi, Learned Advocate.
	For the State Respondent	: None
<u>03</u> 05.03.2021		

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24.12.2020 issued in exercise of the power conferred under Sub-Section (6) of Section 5 of the Administrative Tribunal Act, 1985.

The instant application has been filed challenging the suspension order dated 18.12.2013, whereby the applicant was put under suspension under Rule 7 (3) of W.B.S. (CCA) Rules, 1971 on the ground of being arrested under section 498 (A) of I.P.C. According to the applicant, vide order dated 21.12.2016, the Executive Engineer, Nadia Irrigation Division had asked the Government pleader to give legal opinion with regard to suspension of the applicant as no disciplinary proceeding has been initiated against the applicant in the meantime (Annexure-G). In reply to that, the Government pleader had observed interalia :-

“In my opinion Sri Sumit Halder cannot be re-instated in Government service until and unless he will be acquitted in the said case. However, he is enjoying Government Money as suspense allowance so to serve the Govt. He may simply join in the office to the government work as and when directed by his Superior Officer.”

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As per the applicant even neither suspension has been revoked nor he has been allowed to join though no disciplinary proceeding is pending against him. Accordingly, the counsel for the applicant has submitted that it would suffice his purpose if the respondents would be directed to review his case for final decision with regard to suspension taking into account the factual aspects of the case.

Mrs. S. Agarwal on behalf of the arguing counsel for the state respondents has prayed for time. However, it is noted that in earlier three occasions none appeared for the respondent even today also none appeared for the official respondent.

In view of the above, Respondent No. 4 is directed to review the suspension order dated 18.12.2013 and to take final decision in respect of the continuation of the suspension order taking into account the factual aspects of the instant case by way of passing a reasoned and speaking order as per rules and to communicate the same within a period of six weeks from the date of receipt of the order. Accordingly, OA is disposed of with no order as to costs.

URMITA DATTA (SEN)
MEMBER (J)

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