

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-1050 of 2014

Asim Kumar Modak VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Mr. S.K. Mondal,
Learned Advocates.

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10.05.2022

For the State
Respondents : Mr. S. Deb Roy,
Mr. A. De,
Ms. R. Sarkar,
Departmental Representatives.

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.

On consent of counsel for both the parties, matter has been taken up.

Heard the parties.

During the course of hearing, the counsel for the applicant has raised the following issues :-

- a) Charges are vague.
- b) List of relied upon documents were not supplied to him.
- c) No order of appointment of Enquiring Authority or Presenting Authority was ever served upon him.
- d) Enquiry was concluded only on a single day i.e. on 13.08.2013 prior to submission of Statement of Defence on 19.08.2013.
- e) The duty of Enquiring Officer is only to give the findings by way of a report to the Disciplinary Authority but he has traversed his jurisdiction by recommending punishment against him.

However, the Departmental Representatives for the Land & Land Reforms & Refugee Relief & Rehabilitation

ORDER SHEET

Form No.

Asim Kumar Modak

Vs.

Case No. **OA-1050 of 2014**

The State of West Bengal & Ors.

Deptt. has prayed one more chance to satisfy the Court on the aforementioned issues by bringing on record the documents in support of their submission. Prayer is allowed.

Let the matter be listed for Hearing on **14.07.2022.**

URMITA DATTA (SEN)
MEMBER (J)

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