

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. –OA 1051 OF 2015**

**KAMAL SADHUKHAN - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. G.P. Banerjee,  
and Advocate  
Date of For the State Respondents : Mr. Manujendra Narayan Roy,  
order Advocate

27  
06.12.2023

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

This application has been filed praying for setting aside the impugned final order dated 30.01.2013, passed by the Superintendent, Presidency Correctional Home, Alipore and the appellate order dated 11.09.2014 of the Additional Director General and Inspector General of Correctional Services, West Bengal. Submitting on behalf of the applicant, Mr. G. P. Banerjee, learned counsel draws my attention to page 64, which is an order signed for the Additional Director General and Inspector General of Correctional Services, West Bengal dated 11.09.2014, the relevant portion of which is as under:

*“With reference to the above, the undersigned is directed to inform him that the ADG&I.G. of Correctional Services, West Bengal has, after careful consideration, dismissed the appeal of Shri Kamal Sadhukhan, Warder, Presidency Correctional Home.”*

Earlier by an order dated 30.01.2013, the Superintendent, Presidency Correctional Home, Alipore, had after conclusion of the disciplinary proceedings passed the final order against the charged officer, this applicant. By this final order a punishment of withholding the three annual increments of pay was imposed upon the charged officer, the applicant.

**ORDER SHEET**

Form No.

**KAMAL SADHUKHAN**

Vs.

Case No. - OA 1051 OF 2015

**THE STATE OF WEST BENGAL & ORS.**

After hearing the submissions of the learned counsels and examining the records, the Tribunal observes with dismay that the Appellate Authority, the Additional Director General and Inspector General of Correctional Services, West Bengal, bestowed with so much authority and responsibility, has disposed of the appeal of the charged officer in such a hurry that the appellate order has been signed by someone on his behalf. As can be seen, the appeal of the applicant has been dismissed without passing any speaking order and without stating any reason why the appeal has been dismissed. The applicant, as the charged officer, having been imposed a punishment certainly had high hopes in the wisdom of the Appellate Authority, who happens to be a very senior officer of the government. As the charged officer was inflicted with such a punishment, he or for that matter, any government employee of his rank would look upon the Appellate Authority with the hope that his appeal would be heard patiently and a reasonable and fair justice would be metted out to him by this authority. Very shockingly, his appeal has been dismissed summarily with the irony of the words "after careful consideration" by someone else signing on behalf of G.C. Bera, ADG&IG of Correctional Services, West Bengal.

In view of what has been observed above, this Tribunal finds the Appellate Order not only bad in law, but violation of natural justice to the applicant. Therefore, this Appellate Order dated 11.09.2014 is set aside with a direction to the respondent No.2, the Additional Director General and Inspector General of Correctional Services, West Bengal to reconsider the appeal and pass a reasoned and speaking order after giving an opportunity of hearing to the charged officer within three months from the date of communication of this order. The application is disposed of.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.