

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. OA – 167 of 2022**

**Bivas Biswas - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.  
and  
Date of order  
8  
26.09.2022

For the Applicant : Mr. S.K. Nandi,  
Advocate

For the State Respondents : Mr. G.P. Banerjee,  
Mr. B.P. Roy,  
Advocates.

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

The instant application has been filed praying for following reliefs:

**“i) Order/orders be passed to quash the charge for initiation of the Disciplinary Proceeding.**

**ii) An order directing to the respondents particularly the respondent No. 4 to withdraw, cancel and rescind the Howrah Police Commissionerate Proceeding No. being 10/2020 dated 6.11.2020 drawn up by the Deputy Commissioner of Public (Head Quarter), Howrah Police Commissionerate against the applicant.**

**iii) Order / orders be passed by the Hon'ble Tribunal as deemed fit and proper.**

**iv) The applicant prays for the above reliefs on the following amongst others.”**

As per the applicant, the disciplinary proceeding was initiated on

ORDER SHEET

Form No.

Bivas Biswas

Vs.

Case No. **OA – 167 of 2022**

THE STATE OF WEST BENGAL & ORS.

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06.11.2020. Thereafter, while Inquiry Officer was appointed to conduct the inquiry, which started on 07.12.2020. Even on 04.01.2021, the applicant had submitted his defence statement and in the mean time, he had participated in the inquiry proceedings. However, till date, no inquiry report has been served upon him though he made repeated representations for early disposal of the disciplinary proceedings. However, on 10.03.2022, one message was received by him at 9.30 hrs. of the said day issued by the Smt. Indrani Chatterjee, O.C. Women P.S. HPC, whereby she had asked the applicant to appear in the inquiry proceedings as she has been appointed as Inquiry Officer. It has been submitted by the applicant that as the inquiry proceedings was almost completed with the erstwhile Inquiry Officer as well as no communication was received from the disciplinary authority with regard to appointment of new Inquiry Officer, he has rightly apprehended that new Inquiry Officer has been appointed replacing the erstwhile inquiry officer. Being aggrieved with, he has filed the instant application.

However, the counsel for the respondent has submitted that as erstwhile Inquiry Officer retired without submitting the inquiry report, therefore, the Disciplinary Authority had appointed a new Inquiry Authority for granting opportunity to the applicant to represent his case before the said authority. Therefore, the apprehension of the applicant has no basis.

Heard the parties. During the course of the hearing, the counsel for the respondent for the respondent has placed the original Disciplinary Proceedings File. From perusal of the noting portion of the Disciplinary Authority dated 26.02.2022, it transpires as follows:

**“Today, file relating to Howrah Police Commissionerate  
Proceeding No. 10/2020 dated 06.11.2020 drawn up**

Form No.

**Bivas Biswas**

Case No. **OA – 167 of 2022**

**Vs.**

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

**against SI Bivas Biswas is put up. Perused.**

**Shri Nirmal Jash, WBPS, Asstt. Commissioner of Police, Special Branch, Howrah Police Commissionerate has returned the proceeding file pending its enquiry as he retired from Govt. Service.**

**Hence, I being the disciplinary authority, for the sake of natural justice, re-endorsed the instant proceeding file to Smt. Indrani Chatterjee, O/C Women P.S. for conducting remaining part of the enquiry and to submit his findings at early date as EO.”**

From the above, it is clear that due to the retirement of erstwhile Inquiry Officer, Shri Nirmal Jash, WBPS, Asstt. Commissioner of Police, Special Branch, Howrah Police Commissionerate, Smt. Indrani Chatterjee, O.C., Women P.S. was entrusted with the inquiry and in view of that, the said newly appointed Inquiry Officer, Smt. Indrani Chatterjee, had sent message to the applicant for the purpose of concluding the inquiry proceedings. Therefore, the apprehensive of the applicant does not have any basis at present. Therefore, in my considered opinion, the main grievance of the applicant has become infructuous. Accordingly, the O.A. is disposed of being infructuous.

A.K.P.

**URMITA DATTA (SEN)**  
**Officiating Chairperson and Member (J)**