

**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 – 242 of 2022**

**Binod Kumar - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.  
and  
Date of order  
5  
02.09.2022

For the Applicant : Mr. M.N. Roy,  
Mr. G. Halder,  
Advocates

For the State : Mr. S. Bhattacharjee,  
Respondents Advocate

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 challenging the Second Show Cause Notice. The matter was admitted on 02.05.2022 with a liberty to the respondents to consider the reply to the Second Show Cause Notice already filed by the applicant and to pass a final order. In the mean time, vide Final Order dated 13.07.2022; he was imposed with a punishment of dismissal from service.

The counsel for the respondent has submitted that the applicant has alternative remedy to prefer a statutory appeal before the appellate authority.

However, the counsel for the applicant has submitted since his case is pending before this Tribunal and was admitted under Section 19(4) of the Administrative Tribunal Act, 1985, therefore, he could not prefer any appeal before the appellate authority. In the mean time, respondent has issued a final order and therefore he wants to challenge the same. He has

**ORDER SHEET**

Form No.

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prayed for liberty to prefer an appeal before the appellate authority without taking account the time period specified as a statutory appeal.

The counsel for the respondent has no objection to consider his appeal, if so filed.

In view of the above, the O.A. is disposed of with a liberty to the applicant to approach before the Appellate Authority for preferring an appeal. However, as the statutory period has already over, due to the pendency of the instant application, the said period be started from today. The applicant is at liberty to file appropriate appeal before the Appellate Authority within a statutory period of 37 days, which would start from today. If the applicant would file any appeal within stipulated period of time, the Appellate Authority is directed to dispose of the said appeal and communicate his decision by way of reasoned and speaking order within a period of three months from the date of receiving the appeal. Accordingly, the O.A. is disposed of with the above observation and direction with no order as costs.

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

A.K.P.