

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 356 of 2024

Dipayan Sinha -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. A. Shaw,
Mr. M. Ganguly,
Ld. Advocates.
For the State Respondents : Mr. M.N. Roy,
Ld. Advocate.

03
30.04.2025

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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Mr. Shaw, learned counsel adds the following two more points of his argument today.

- (i) The judgment imposed by the final order is a double jeopardy containing two enumerated punishments, which are (a) rejection to the rank of Sub-Inspector of Excise, and (b) placing the Charged Officer at the lower most point of the gradation list of the Sub-Inspectors of Excise.

Submission is as evident that the Charged Officer has been imposed with two enumerated punishments for one single charge. Therefore, the quantum of punishment imposed is not only double punishment, but is disproportionate to the charges framed against him in the disciplinary proceedings.

By passing such final order with the above punishments, the Disciplinary Authorities not only deviated from the laid down procedures, but also the Disciplinary Authority including the Appellate Authority.

Mr. Roy, learned counsel wishes to file reply on the next date and submits his points. Let such reply be filed and copy be served upon the other side and if served and if so wished, rejoinder be filed in the meantime.

Let the matter appear under the heading "**Hearing**" on **02.09.2025**.

SS/HS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)