

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 – 49 of 2022

Goutam Dutta - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>11</u> 28.02.2024	For the Applicant	: Mr. M.N. Roy, Mr. S. Ghosh, Advocates
	For the Respondents	: Mr. G. P. Banerjee, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd 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, the case is taken up for consideration sitting singly.

By filing this application, the applicant as a Charged Officer in a disciplinary proceedings has prayed for setting aside the entire departmental proceedings against him including the inquiry report, second show cause notice, the final order dated 31.07.2021 and the Appellate Authority's order dated 17.01.2022. By passing the final order, the disciplinary authority imposed a penalty of withholding of five increments with future effect. This was modified by the Appellate Authority to only three increments with future effect.

Submitting on behalf of the applicant, Mr Roy argues that drawing of entire departmental proceedings was full of procedural lapses. His submission is that, firstly, enquiry against the Charged Officer was not conclusive and finds substantial lacunae in it. Secondly, findings of the inquiry officer are perverse. Therefore, the inquiry report itself is not admissible as a crucial document in the proceedings. Further, the second show cause notice issued to the Charged Officer was vague and it does not speak about the quantum of the punishment to be imposed.

Let further submission be heard on the next date.

Let the matter appear under heading 'Hearing' on 16.12.2024.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P