

ORDER SHEET
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 528 of 2024

SHYAMAL KUMAR DAS - Vs - The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. Soumendra Narayan Ray, Learned Advocate
	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Mr. Gaurav Haldar, Learned Advocates
<u>5</u> 19.06.2025			

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.

The prayer in this application is for setting aside the charge sheet dated 27.08.2024 and the entire departmental proceedings initiated against the applicant.

The applicant, while working as Superintending Engineer (AI) Kolkata (AI) Circle, was charge-sheeted on 27.08.2024 for acquiring disproportionate assets during the period 06.06.2007 to 06.05.2013, while functioning as Executive Engineer, Barasat (Agri Irrigation) Division, Barasat, North 24 Parganas to the tune of Rs.30,34,150/-, followed by two other charges. Though the charge sheet was framed on 27.08.2024, but the allegation was against him during the year 2007 to 2013. Issuance of charge sheet was a consequence of the decision for the said period. A departmental enquiry was conducted and relevant documents pertaining to the period 2022 to 2024, are found in record. The applicant superannuated on 31.03.2025. Framing charge-sheet is the first step taken for holding enquiry into allegations. Correctness of allegation is dependent on final outcome of the disciplinary proceedings. There is nothing on record to show whether punishment order has been passed or appeal has been preferred or not. Since the proceedings have not reached its finality, it is a premature application and the employee must be given reasonable opportunity to defend himself. In a decision on 31.01.2022 in (2022) 13 SCC 329 : *United Bank of India vrs. Biswanath Bhattacharjee*, the Hon'ble Supreme Court of India held that judicial review is not an appeal from a decision, but review of the manner in which the decision is made. The Tribunal does not act as an appellate authority to reappreciate the evidence. Tribunal may interfere where the authority performed the

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proceedings in a manner inconsistent with the rules of natural justice. The Departmental Proceedings, being quasi-judicial, principles of natural justice are required to be complied with. Tribunal does not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse.

After examination of the records, the Tribunal comes to the conclusion that in this case, Departmental Proceedings, being quasi-judicial, principles of natural justice are required to be complied with. Since neither any infirmities, nor procedural error nor biased or perverse attitude on the part of the respondent authorities, have been found in the instant case, the disciplinary proceedings, cannot be interfered with. The respondent authorities are directed to continue with the proceedings as per rules and complete the same expeditiously, preferably within six months from the date of communication of this order. as soon as possible. The applicant is directed to cooperate in the matter. This application is disposed of.

SCN.

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