

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 – 709 of 2022

Arup Ghosh - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. M.N. Roy,
and Mr. G. Halder,
Date of order Advocates
1
17.11.2022

For the State Respondent : Mr. S. Ghosh,
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 26th 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 continuation of the disciplinary proceeding as on the identical charges and evidences one criminal case being Bagnan P.S. Case No. 483 of 2017 dated 07.09.2017 has been instituted and in this regard Charge Sheet No. 207 of 2022 dated 03.06.2022 has been filed before the Ld. Additional Chief Judicial Magistrate, Uluberia, Howrah. As per the applicant, the instant disciplinary proceeding was initiated on 17.04.2017. However, there was no progress in the enquiry process though he participated in the said disciplinary proceeding. Now after filing Charge Sheet in the criminal case on 03.06.2022 on the self-same charges and evidences, the Inquiry Authority had issued a notice for enquiry. The Inquiry Authority has started proceeding against which the applicant made representation on 07.04.2022 (Annexure – 'C') requesting for not to proceed with the disciplinary proceeding till disposal of the criminal case as the charges are same.

During the course of the hearing, the counsel for the applicant has submitted that it would suffice his purpose, if the Disciplinary Authority would be directed to consider his representation within a stipulated period of time and in the interim, the Inquiry Authority would be directed not to proceed further till

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the disposal of the said representation.

The counsel for the respondent has submitted that he has no objection to consider the representation of the applicant. However, he has objection to stay the operation of the inquiry proceeding.

Heard the parties. It is noted that the applicant has filed a representation before the Disciplinary Authority praying for not to proceed with the departmental proceeding till the disposal of the criminal proceeding as on the identical facts and evidences a criminal case has been filed, wherein Charge Sheet has already been filed. Therefore, the evidences may be disclosed in the disciplinary proceeding which would affect the criminal case of the applicant.

In view of the above, the Respondent No. 3 is directed to consider the representation of the applicant dated 07.11.2022 and communicate his decision by way reasoned and speaking order within a period of three weeks from the date of receipt of the order and in the interim, the Inquiry Officer is also directed not to proceed further till the disposal of the said representation.

Let the matter be listed on **16.01.2023** under the heading ‘Admission Hearing’.

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

A.K.P.