

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),

Case No. OA – 248 of 2020

Dipankar Mahato - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>9</u> 17.02.2022	For the Applicant	: Mr. M.N. Roy, Mr. S.K. Adhikari, Advocates
	For the Respondents	: Mr. G.P. Banerjee, Advocate

The instant application has been filed mainly challenging the following relief:

- “a) An order declaring to the effect that the entire disciplinary proceeding pending for an indefinite period including charge sheet dated 21.02.2012, the impugned enquiry report dated 14.02.2017 and the Second Show Cause Notice being Ref No. 161-FT/O/1E-14/09 Regn. Dated 02.02.2018 issued by the respondent no. 2 are illegal, arbitrary and liable to be set aside and quashed;**
- b) An order directing the respondent authorities and/or their men and agents, subordinates and successors to release all consequential service benefits including seniority and also fixed the pay of the applicant in-view of his promotion to the post of Deputy Inspector General of Registration and Stamp Revenue, West Bengal, Range XII, Cooch Behar and release consequential benefits;**
- c) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief for hereinabove;**

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d) An order of Cost;

e) To pass such other or further orders or orders as to the Hon'ble Tribunal may deem fit and proper;"

As per the applicant, he was served with a charge sheet dated 20.02.2012 and had filed his written statement of defence on 06.03.2012, further supplementary defence statement dated 28.03.2012. Thereafter, enquiry was held and the enquiry report was submitted on 14.02.2017 and the Second Show Cause Notice was served upon the applicant on 02.02.2018 against which he had filed a reply on 21.03.2018. However, till date, no final decision has been communicated to him. It has been submitted by the applicant that he is suffering for a long ten years due to pendency of the instant disciplinary proceedings and there is no laches on the part of the applicant. However, the respondents have not yet decided finally the proceedings which is liable to be quashed as per settled principle of law. During the course of the hearing, the counsel for the applicant has referred the judgement passed by the Apex Court in the case of Prem Nath Bali vs. Registrar, High Court of Delhi and another reported in AIR 2016 SCC, 101 which was followed by this Tribunal also in O.A. No. 31 of 2021.

The counsel for the respondent has admitted that till date no final order has been passed.

We have heard both the parties and perused the records. It is admitted fact that though the charge sheet was issued on 21.02.2012 and reply to the Second Show Cause Notice was submitted on 21.03.2018, even no final decision has been communicated to the applicant. It has been observed by the Hon'ble Apex Court that such prolongment of the disciplinary proceeding is also amounts to

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one kind of punishment to the employee since the disciplinary proceedings is a the verge of end as reply to the Second Show Cause Notice has already filed in 2018. Though in my considered opinion, one chance is to be granted to the respondent authority to take final decision and communicate the same by way of a reasoned and speaking order within a period of six months as a last chance; otherwise, the proceedings would be vitiated. Accordingly, the O.A. is disposed of with the above observation and direction with no order as to cost.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.