

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-110 of 2023

Repon Chowdhury VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order	For the Applicant	:	Mr. M.N. Roy, Mr. G. Halder, Learned Advocates.
<u>01</u> 28.02.2023	For the State Respondents	:	Ms. R. Sarkar, Mr. S. Deb Roy, Mrs. A. Bhattacharya, Departmental Representatives.

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on the record.

In this application the prayer is for setting aside the entire Departmental proceedings including the final order.

At the very outset Mr. Roy submits that the respondent failed to provide relevant documents during the hearing to the applicant as charged officer.

It is also submitted that S.D.L & L.R.O. upon whose complain this departmental proceedings was initiated became the enquiry authority too in the present departmental proceedings. This is a very clear violation of natural justice against the charged officer. Mr. Roy prays for an interim order not to give effect to the final order.

Ms. Sarkar submitting on behalf of the department however disagrees and states that such complaints of the charged officer should have been made before the departmental authority at the time of submitting of reply. Ms Sarkar further submits that the entire departmental proceedings was completed after following the laid down rules and procedures. Further, Ms. Sarkar prays for accommodation to consult the department and file reply, if necessary.

After hearing both the sides and considering the facts and circumstances of the case, the respondent No. 2 is directed not to give effect to the final order dated 05.01.2023 until further order.

Let the matter appear under the heading Reply/Rejoinder and objection on **22.06.2023**.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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