

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 1153 OF 2017

ANANTA KUMAR CHAKRABORTY - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

02

08.07.2024

For the Applicant : Ms.D.Ghosh
Advocate

For the State Respondent : Mr. Sankha Ghosh
Advocate

For the Principal Accountant : Mr.Biswanath Mitra
General (A&E) West Bengal (Departmental Representative)

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 and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

Mr.S.Ghosh, learned counsel appearing for the Respondent No. 5 and 6 requests the applicant side to serve a copy of this application. Let copies of this application be served to the respondent No. 4, 5, 6 & 8 and affidavit of service be affirmed and filed on the next date of hearing.

Ms.D.Ghosh, learned counsel for the applicant draws my attention to an order of this Tribunal dated 17.03.2010 in the MA-107/08 (OA-4958/08). In the last paragraph of this order, the Tribunal had directed the Department that if the Departmental proceedings ends in favour of the applicant, his promotion with retrospective effect with all admissible benefits be given. Now attention is drawn to a Memo. No. 2190 dated 10.04.2012 by which the Department had dropped the departmental proceedings against the applicant. Submission of Ms.Ghosh is that despite dropping of the departmental proceedings

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without any charges against the applicant, the direction of the Tribunal passed in MA-107/08 (OA-4958/08) has not been fulfilled by the respondent authorities. Several representations were furnished before the authorities. A copy of the last such representation is found in this application which was furnished by the applicant before the Joint Secretary, P&AR Department, Vigilance Cell dated 13.06.2016.

Appearing on behalf of the respondent No. 5 & 6, Mr.S.Ghosh, learned counsel submits that the Tribunal may examine the maintainability of this application in view of the fact that the order dropping the proceedings against the applicant was passed on 10.04.2012 and this application filed in 2017.

Let the matter appear under the heading “Admission Hearing” on 23rd September, 2024.

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

BLR