

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- 1252 OF 2014**

SUMITRA CHATTERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. B.R.Neogi Advocate
<u>32</u> 21.09.2023	For the State Respondent	: Mrs. Sunita Agarwal Advocate

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.

The applicant has prayed for setting aside the impugned final order passed by the disciplinary authority against him on 28.02.2013. The final order had imposed a penalty of reduction by 3 stages lower in the time scale of pay for 4 years without any increment. Further, the final order also debarred the charged officer, the applicant for promotion during the period of his undergoing the penalty. The applicant was imposed such a penalty while holding a post of Deputy Director of Directorate of Employment.

Submitting on behalf of the applicant, Mr.B.R.Neogi, learned counsel has the following points for consideration.

(i) That the copy of the finding of the Inquiring authority was not supplied to the charged officer. Mr.Neogi, relies on a judgement of the Hon'ble Supreme Court (2017) 1 SCC 768 para 17 and 18.

(ii) Further submission is that no copy of the advice obtained from the Public Service Commission was given to the charged officer, thus

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deny him the opportunity to represent his point of view. Mr.Neogi relies on an order passed by this Tribunal in OA-158 of 2023.

Mrs.Agarwal, learned counsel appearing on behalf of the respondent authority prays for accommodation to respond to Mr.Neogi's observations and also submit her points on behalf of the respondent authority on the next date.

Let the matter appear under the heading "Further Hearing" on 10th April, 2024.

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

BLR