

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 14 of 2019

JAWAID SIDDIQUI - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

13
26.07.2023

For the Applicant : Mr.Soumendra Narayan.Ray
Advocate

For the State Respondents : Mr.Goutam Pathak Banerjee
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 prayer in this application is for setting aside the suspension order dated 19.11.2013. Submission of Mr.S.N.Ray, learned counsel for the applicant is that since 2013, the applicant has remained suspended and the authorities have ignored reviewing the suspension order periodically. Mr.Ray, draws attention to the Notification No. 9266-F(P) dated 16.11.2012 in which, para A (ii) is found relevant. As per this particular proviso, it is the duty of the disciplinary authorities to review suspension of employees within 90 days from the date of order of suspension.

Mr.G.P.Banerjee, learned counsel for the State respondents files a copy of Order No. 1615-F.T. dated 17.09.2019 in which, it appears that the applicant's suspension was reviewed and by an order of Additional Chief Secretary such suspension was to continue.

After examination of the review order dated 17.09.2019, it is apparent that such order for continuation of suspension is not in

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confirmity with the Notification No. 9266-F(P) dated 16.11.2012. As per the rule stipulated in the Notification, a Review Committee is to be constituted whose function shall be to review suspension of Government employees. Since the applicant is a Group-A Officer and the Governor being the appointing authority, his suspension is to be reviewed by a Committee headed by the Chief Secretary. In this case, the review has been done by the Additional Chief Secretary, Finance Department, who is the Member Secretary of such Committee. Therefore, such review is null and void and not in confirmity with the rules as stipulated in the Notification No. 9266-F(P) dated 16.11.2012.

In view of above observations, it is the decision of this Tribunal that the Review Order passed by the respondent No. 1, the Additional Chief Secretary, Finance Department is void in law. The proper review is to be conducted as per the Notification No. 9266-F(P) dated 16.11.2012 by a Committee headed by the Chief Secretary for cases where the Governor is the appointing authority.

Thus, this application is disposed of by directing the respondent No.1, the Additional Chief Secretary, Finance Department to arrange a meeting of the said Review Committee, headed by the Chief Secretary and review the order of suspension of this applicant strictly as per the Notification No. 9266-F(P) dated 16.11.2012 within a period of four months from the date of communication of this order and circulate the Minutes to all concerned.

Accordingly, the application is disposed of.

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

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