

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 156 of 2022

Dr. Kartik Chandra Mandol. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. S. Halder, Advocate.
<u>10</u> 17.08.2023.	For the State Respondents	: Mr. G. P. 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 notice served upon the applicant. It appears from the submissions of the learned counsels that the applicant was served a second show-cause notice dated 02.03.2021 and was directed to furnish his replies. Accordingly, the applicant filed his replies against this show-cause notice before the respondent on 25.03.2021.

Submission of Mr. S. Halder, learned counsel appearing on behalf of the applicant is that its been more than two years after submission of the replies, but till date, neither the final order nor the disciplinary proceeding have been concluded.

In response, Mr. G. P. Banerjee, learned counsel appearing on behalf of the State respondents submits that if a direction is given to the respondents, the same will be complied as per Rules.

After hearing the submissions of the learned counsels, it is clear to this Tribunal that the disciplinary proceeding initiated in the year 2016 has not been concluded till today and no final order yet passed. It also appears that on 02.03.2021, the second show-cause notice was issued upon the applicant to which the reply was submitted but again

ORDER SHEET

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there has been no response.

In view of the above facts and circumstances, the respondent no. 1 – the Secretary, Department of Health and Family Welfare MA(MES) Branch, Government of West Bengal is directed to conclude the departmental proceeding initiated against the applicant in the year 2016 within a period of three (03) months from the date of communication of this order.

Let it also be made clear that, in default, the entire disciplinary proceeding will be vitiated.

The matter is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

SM