

ORDER SHEET

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-19 of 2024

Mabood Sheikh -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Shaon Bhattacharya,
Ms. Tulika Bhattacharyya,
Ms. A.P. Banerjee,
Ld. Advocates.
For the State Respondent : Mr. G. Halder,
Ld. Advocate.

03
12.09.2024

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.

Liberty is given to the applicant to add the Chief Engineer, North I&W Directorate and Chairman of the Review Committee as respondent no. 2A in the array of respondents. Let a copy of this application along with copy of today's order be served upon him by the applicant.

This application has been filed praying for setting aside the suspension order being 614 dated 05.04.2016. Submission of Mr. Bhattacharya, learned counsel for the applicant is that despite the suspension period being continued for the last 8 years, neither any disciplinary proceedings has been initiated nor the suspension order has been revoked. It is understood from the submissions and the records that the applicant has been implicated in a criminal case no. GR 35/2016 which is pending for trial in the Court of Ld. Additional Chief Judicial Magistrate, Rampurhat, Birbhum. The charges against the applicant are related to damage of Government property. In terms of an earlier application filed by the applicant being OA 189 of 2022, the respondent authorities were directed to review the order of suspension of the applicant and consider enhancement of the subsistence allowance. In compliance to such direction, the respondent authorities on 09.06.2022 reviewed the order of suspension and after giving reasons decided to continue with the suspension. The Review Committee was of the opinion that since the charges against the applicant are grave in nature, such suspension should continue. From submissions of the learned counsels and the records presented, it is clear to this Tribunal that the respondent authorities have not adhered to the guidelines for review of suspension order as stipulated in Memorandum No. 9266-F(P) dated

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16.11.2012. As per these guidelines, each suspension order should be reviewed after every 180 days. It is evident that the respondent authorities have not reviewed this case since 11.07.2022. Mr. Bhattacharya is also aggrieved that the Review Committee neither acknowledged nor granted any enhancement of the subsistence allowance despite the prayer made by the applicant.

After hearing the submissions of the learned counsels, this application is disposed of by directing the added respondent no. 2A, the Chief Engineer, North I & W Directorate who has been designated as the Chairman of the Review Committee by order no. 259 dated 09.06.2022 to review the suspension order of the applicant suspended vide Memo No. 614 dated 05.04.2016 in terms of the Memorandum No. 9266-F(P) dated 16.11.2012 issued by the Finance Department. As per this Memorandum, each suspension case is to be reviewed after every 180 days from the date of last review. The last review in this case of suspension was done on 07.11.2022. The Review Committee shall also consider enhancement of the subsistence allowance. This applicant has prayed for such enhancement by filing a representation before the Executive Engineer, Mayurakshi Head Quarters Division on 07.03.2022. Liberty is given to the applicant's side to furnish a fresh representation before the Chief Engineer, North I&W Directorate and Chairman of the Review Committee.

Accordingly, this application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS