

**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 197 of 2018**

**Kush Kumar Paul - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. S. Mondal,  
Learned Advocate.

15  
22.02.2024

For the State Respondents Mr. S. Ghosh,  
Learned 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.

Earlier by an order dated 17.07.2023, this matter was placed before a Bench comprising two Members (Judicial & Administrative). It is the observation of this Tribunal that four other separate applications filed by the same applicant relating to the same Disciplinary Proceedings are being heard by this Single Bench. Therefore, it is illogical that only this particular application is to be heard by a Bench comprising two Members. Therefore, let this matter also be continued to be heard by this Single Bench.

The applicant has prayed for a direction to the respondents to supply him legible copies of all the documents. The prayer also includes for setting aside the impugned order No. 131 dated 16.03.2017 passed by the Director of Health Services. The Memo is a communication to the applicant by the Director of Health Services informing him that all relevant documents as asked for have already been supplied and received by the applicant as noted in the proceedings dated 26.06.2013.

While working as a Cashier in a hospital the applicant was

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accused of defalcation of government money to the tune of Rs. 16,96,145/- and a criminal case was filed in the Bongaon Police Station on 28.01.2008. Later due to such criminal case, the applicant was suspended from service by the Director of Health Services by an order dated 13.06.2008. Thereafter a Disciplinary Proceedings was initiated against the applicant.

It is a fact that arising out of one Disciplinary Proceedings, the applicant has filed five separate applications in this Tribunal being OA Nos. As OA-426 of 2019, OA-196 of 2018, OA-197 of 2018, OA-656 of 2022 and OA-623 of 2023.

Since by an order of this Tribunal two applications have been considered and disposed of in OA-426 of 2019 and OA-196 of 2018, therefore, it would be appropriate if the remaining applications are also considered and disposed of.

In view of the above fact, it is the finding of this Tribunal that Disciplinary Proceedings initiated against the applicant since 2008 has not been concluded till date. It would be appropriate and fair action on the part of the Respondent authority if such proceedings are concluded without further wasting of time.

With this observation the Respondent No. 2 (b), the Director of Health Services, W.B. is directed to conclude the Disciplinary Proceedings and pass a final order against the applicant within six months from the date of communication of this order. If legible copies of the documents have not been supplied earlier, same be supplied to the applicant.

Accordingly, the application is disposed of.

sc

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