

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. – OA-201 of 2021

Shyamal Datta- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mrs. S. Mitra, Mrs. Priya Sasmal Learned Advocates
<u>02</u> 31.03.2021	For the State Respondent	:	None.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24.12.2020 issued in exercise of the power conferred under Sub-Section (6) of Section 5 of the Administrative Tribunal Act, 1985.

The instant application has been filed challenging the disciplinary authority's order whereby the applicant was granted with the punishment of withholding of increments as well as debarment from promotion. The counsel for the applicant during the course of hearing has placed one order dated 11.01.2019, passed in OA-494 of 2017 wherein imposition of both the penalty i.e. stoppage of increment and debarment from promotion was held to be contrary to the provisions laid down in the West Bengal Services (Rule 8(ii) of WBS (CCA) Rules, 1971, which was further affirmed by the Hon'ble High Court, Calcutta vide their judgement dated 15.11.2019 passed in WPST -105 of 2019.

According to the counsel for the applicant, as no appeal has been preferred against the said order, therefore, it is binding upon the department as the department has already implemented the order of this Tribunal. Therefore, the counsel for the applicant has prayed for extension of the benefit of the aforesaid orders.

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02
31.03.2021

Though affidavit of service has been filed but none appeared for the respondent. Let the matter appear for admission hearing on 30.04.2021.

URMITA DATTA (SEN)
MEMBER (J)

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SC

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