

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 218 OF 2024

SHYAM SUNDAR PRAMANIK - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant : Mr.Subit Kumar Mondal
Advocate

03
07.01.2025

For the State Respondents : Mr.Manujendra Narayan Roy
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.

Mr.S.K.Mondal, learned counsel presents copies of the order passed by the Hon'ble High Court in the Circuit Bench at Jalpaiguri, Appellate Side in WPST -8 of 2024 on 30.09.2024. After close reading of this order, the Tribunal finds that the Hon'ble Court has observed that the disciplinary authority can adjudicate the points raised by the writ petitioner in the disciplinary proceedings. The Hon'ble Court also gave liberty to the petitioner to file a reply on all the points raised before the Court. Finally, the Hon'ble High Court, Circuit Bench did not wish to interfere with the order of the Tribunal while rejecting the prayer for interim protection. In terms of the Hon'ble High Court's liberty, Mr. Mondal files copy of a petition filed by the applicant before the Director of Health Services, the disciplinary authority dated 07.10.2024.

From the submissions of the learned counsels, the Tribunal is of the opinion that in terms of a direction of the Hon'ble High Court, the disciplinary authority, being the Director of Health Services, is required to first adjudicate the legality and veracity of the charge sheet framed

ORDER SHEET

Form No.

SHYAM SUNDAR PRAMANIK

Vs.

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THE STATE OF WEST BENGAL & OTHERS.

against the applicant on the basis of a report filed by the Internal Complaints Committee dated 08.09.2020. The Tribunal may adjudicate the matter, once the disciplinary authority takes the decision relating to the disciplinary proceedings. Accordingly, the respondent No. 2, the Director of Health Services is directed to take the decision on the basis of the representation filed by the applicant before him dated 07.10.2024 in compliance to the order of the Hon'ble High Court in the Circuit Bench at Jalpaiguri, Appellate Side in WPST-8 of 2024 passed on 30.09.2024 within a period of three months from the date of communication of this order.

Let the matter appear under the heading 'Hearing' on 12th June, 2025.

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

BLR