

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 220 of 2020.

SHRI AMIYA KUMAR PANDEY - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

12  
10.5.2023

For the Applicant

: Mr. G.P. Banerjee,  
Advocate.

For the State respondents

: Mrs. S. Agarwal,  
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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the entire departmental proceedings including the final order passed dismissing the applicant from service. After concluding the departmental proceedings, the Superintendent of Police, Purulia, the disciplinary authority passed the final order on 3<sup>rd</sup> June, 2019 by which the charged officer and applicant in this application was dismissed from West Bengal Police Service.

Submission of Mr. G.P. Banerjee, learned counsel for the applicant is that

- (i) The basis on which such disciplinary proceeding started has not been made clear.
- (ii) The authenticity of the complaint lodged by “ one truck driver”, who had complained about bribery against the charged officer is doubtful.

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(iii) The judgement passed by the Hon'ble Apex Court in 2018 (6) SLR 101 :- Union of India –versus- Ram Lakhan is relied on.

(iv) Mr. Banerjee also questions the legality of the words used in the last sentence of the second show cause notice issued upon the charged officer in which objection is to the word “why you should not be dismissed”.

By pronouncing these words it appears to Mr. Banerjee that the disciplinary authority has already made his mind to dismiss the charged officer from service.

(v) Finally Mr. Banerjee submits that throughout the Departmental Proceeding, no Presenting Officer was appointed in the case as reported by the judgement passed by the Hon'ble Apex Court in 2018 (6) SLR 101 :- Union of India –versus- Ram Lakhan.

Mrs. S. Agarwal, learned counsel for the State respondents submits that there was no procedural lapse and the authority completed the entire departmental proceeding as per laid down laws and procedures.

Mrs. Agarwal prays for accommodation to consult the respondent authority and submit further on the next date.

Let the matter be listed on 27<sup>th</sup> September, 2023 under the heading “Hearing”.

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

Sk.