

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-235 of 2022

Manojit Bagish VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. M.N. Roy, Mr. G. Halder, Learned Advocates.
<u>02</u> 11.05.2022	For the State Respondents	:	Mr. G.P. Banerjee, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

On consent of counsel for both the parties, matter has been taken up.

The application is admitted for hearing.

The counsel for the applicant has filed supplementary affidavit enclosing the representation dated 09.05.2022 before the S.P., Howrah (Rural) praying to keep in abeyance the Disciplinary Proceedings on the ground that on the self same charges and witness one criminal proceeding is pending before the Criminal Court, therefore, if the Disciplinary Proceeding will continue, it may disclose the evidences of criminal proceedings. It has been submitted by the counsel for the applicant that the only charge in the Disciplinary Proceedings is that one criminal case is pending before the Criminal Court. Thus the basis of the Disciplinary Proceedings is the pendency of the criminal case only. However, it has been submitted that though this Tribunal vide order dated 29.04.2022, in presence of both the parties, granted liberty to make representation before the authority to keep the Disciplinary Proceedings, in abeyance till the outcome of the Disciplinary Proceedings and accordingly the applicant has already filed one representation dated 09.05.2022 before the S.P., Howrah (Rural). However, the then Enquiring Authority had concluded his enquiry. Therefore his

ORDER SHEET

Form No.

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representation dated 09.05.2022 has not been considered by the Disciplinary Authority.

The counsel for the applicant has prayed for interim protection to direct the Disciplinary Authority to consider his representation and till then the Disciplinary Proceedings should be kept in abeyance.

The counsel for the respondent has submitted that he has no objection to consider the representation of the applicant in accordance with law.

Heard the parties and perused the records as well as Charge Sheet dated 30.03.2022. The only charge is his involvement in criminal case before the Criminal Court. However, on 09.05.2022, the applicant has filed one representation to keep in abeyance the Disciplinary Proceedings till the outcome of the Criminal Proceedings as it would disclose the evidences of the criminal proceedings. Let the matter be listed before this Bench on **21.06.2022** till then the Enquiring Authority is directed not to proceed with further enquiry till the next date of hearing. The Disciplinary Authority is also directed to consider the representation of the applicant dated 09.05.2022 before passing any final order and communicate the decision by way of a speaking and reasoned order within fifteen days from the date of receipt of this order. Reply/rejoinder, if any, in the meantime.

URMITA DATTA (SEN)
MEMBER (J)

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