

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 242 of 2022

Binod Kumar -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G. Halder,
Learned Advocate.
For the State Respondent : None.

02
26.04.2022

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.

The instant application has been filed mainly challenging the impugned 2nd show cause notice wherein as per the applicant instead of tentative opinion, the Disciplinary Authority had already reached to the conclusion of punishment of dismissal, therefore, in reply to the said show cause notice would be futile exercise. However, the counsel for the applicant today has placed one representation filed before the Disciplinary Authority with regard to the 2nd show cause notice. He has further prayed for an ad-interim order by way of preventing the authority to pass any final order before the conclusion of the application. Let the copy of the reply to the 2nd show cause notice be kept on record. It has been further submitted that until and unless an interim protection be given to the applicant, as the respondent has reached to the final conclusion to dismiss the applicant, he will suffer irreparable loss and injuries. Therefore, he has moved this application ex-parte and has prayed for some time to serve the copy of the application to all the respondents.

I have heard the counsel for the applicant and perused the record. It is noted that the Disciplinary Authority in the 2nd show cause notice has opined that he had already reached to the conclusion to impose penalty of dismissal though the 2nd show cause notice is a provisional one to grant opportunity to the applicant to place his case before imposing any punishment. Since balance of convenience in favour of the applicant, I direct the Respondent No. 3 not to take any further steps till the next date under Section

ORDER SHEET

Binod Kumar

Form No.

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24 of the Administrative Tribunals Act, 1985 and to make appropriate submission by the next date.

The applicant is directed to serve the copies of the application along with this order to all the respondents to enable them to make appropriate submission by the next.

Let the matter be listed on **02.05.2022** under the heading **“Admission Hearing.”**

**URMITA DATTA (SEN)
MEMBER (J)**

CSM/SS