

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member(A)

Case No. – OA 251 of 2023

Md. Amir Hossain Molla - VERSUS – The State of West Bengal & Ors.

0Serial No. and Date of order <u>03</u> 12.10.2023	For the Applicant	: Mr. A. Mukherjee, Mrs. S. Agarwal, Ld. Advocates.
	For the State Respondents	: Mr. A.K. Das Sinha, Ld. Advocate.
	For the P.S.C., W.B.	: Mr. S. Bhattacharjee, Ld. 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.

Reply filed on behalf of the state respondent nos. 1-3 is kept on record. Rejoinder has also been filed be kept on record.

Appearing on behalf of the applicant, Mr. A. Mukherjee, learned counsel further submits that the Enquiry Report suffers from perversity because the Enquiring Authority accepted the statement of the prosecution witnesses as sacrosanct, whereas applicant's own statement, and evidence, were ignored. Secondly, Mr. Mukherjee submits that the amount of Rs. 3,69,000/- lying in his bank account shown as an income disproportionate to his known sources of income is a fallacy. This amount is the accumulation of his savings from his salary during the past 48 months, which comes roughly to Rs. 7,000/- p.m. Thirdly, the copy of the circular on kitchen expenses was not served was neither served upon the applicant nor was produced during the enquiry.

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Mr. Mukherjee also stresses that such circulars cannot be applicable for everybody because house hold expenses will vary from house to house. So, calculating one-third of kitchen expenses for the applicant is not only unfair but also very vague. Concluding his submissions, Mr. Mukherjee points out that the valuation of his house was not assessed by any Government approved valuer. Such valuation was without any factual basis and thus the total income shown as disproportionate was exaggerated.

On behalf of the respondent authority, Mr. A.K. Das Sinha, learned counsel disagrees with the submissions made by Mr. Mukherjee and refutes that the entire disciplinary proceeding suffered from serious procedural lapses. Mr. Das Sinha, learned counsel emphasises that the entire disciplinary proceeding was conducted according to laid down Rules and the charged officer was given sufficient opportunities to represent him and submit his replies.

Let the matter appear under the heading "Further Hearing" on 16.02.2024.

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

H.S