

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 271 of 2021

Tanmoy Choudhury -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Learned Advocate.
<u>02</u> 21.04.2021	For the State Respondent	: Mr. G.P. Banerjee, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant application has been filed basically praying for quashing of the disciplinary proceeding vide Memorandum dated 20.11.2019. As per the counsel for the applicant, the applicant approached this Tribunal in OA No. 258 of 2020 which was disposed of vide order dated 04.09.2020 with the following direction :

“In view of the above, as the applicant has already submitted his written statement and Presiding Officer and Inquiry Officer has already been appointed, the respondents are directed to conclude disciplinary proceedings and communicate the same by a reasoned and speaking order within a period of six months from the receipt of the order. The applicant is also directed to co-operate with the authority and not to ask for unnecessary adjournment etc. Accordingly, the O.A. is disposed of with no order as to cost.

The authorities are directed to act on the basis of the internet copy of the order.”

However, till date no final order has been communicated to the applicant. Though he had fully co-operated with the disciplinary authority. During the course of the hearing, the counsel for the applicant has

ORDER SHEET

Form No.

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submitted that in the case of Prem Nath Bali, the Hon'ble Apex Court had observed that disciplinary proceeding should be completed within six months. Even in the earlier order also there was a direction to conclude the disciplinary proceeding within six months but till date no decision has been communicated. The disciplinary proceeding should be quashed on that ground.

However, the counsel for the respondents has submitted that due to this pandemic situation they could not complete the disciplinary proceeding. However, they have almost completed the disciplinary proceeding. Therefore, he has prayed for two months time to conclude the disciplinary proceeding and communicate the same as a last chance.

Heard both the parties and perused the records though the disciplinary proceeding has to be completed within six months time as was directed by the Tribunal in the earlier OA no. 258 of 2020. However, due to pandemic situation, the respondents are granted further eight weeks time as a last chance to conclude the disciplinary proceeding and communicate the same. Therefore, the respondents no. 2 is directed to conclude the disciplinary proceeding and communicate the reasoned and speaking final order within a period of eight weeks. In default, the disciplinary proceedings would be treated as quashed and invalid.

Accordingly, the OA is disposed of with no order as to cost with above observation and direction.

Parties are directed to act upon the Website copy of the order.

HS

Mrs. URMITA DATTA (SEN)
MEMBER (J)