

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 291 of 2022

Ganesh Chandra Maity -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order

For the Applicant : Mr. M.N. Roy,
Learned Advocate.

For the State Respondent : None.

02
07.06.2022

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 counsel for the applicant has submitted that this is the third day when, even after serving the petition as well as order dated 19.05.2022, none appeared for the respondents. However, the counsel for the applicant has further submitted that vide Final Order dated 18.04.2022, the Disciplinary Authority has imposed punishment of stoppage of increments for four years without serving the copy of the enquiry report, which is a clear violation of the settled principle of law and natural justice. Therefore, he has prayed for interim protection for staying of operation of the impugned punishment order dated 18.04.2022.

I have heard the learned counsel for the applicant. It is noted that the respondent has imposed punishment of withholding of the increments for four years in terms of Rule 8(ii) of the West Bengal Services (Classification, Control and Appeal) Rules, 1971. However, the counsel for the applicant has made a specific averment that such final order has been passed without serving the copy of the enquiry report, which is a clear violation of natural justice and settled principle of law and thus, has prayed for interim protection.

It is further noted that the application was moved on 19.05.2022 when the applicant had asked for interim protection and filed affidavit of service on the same date. However, the Tribunal had directed the applicant to serve the copy of the order dated 19.05.2022 to the respondents to enable them to make appropriate submissions. Thereafter, the applicant again today has filed affidavit of service, however, none appeared for the respondents. Since the applicant has a *prima-facie* case and balance of convenience is in his

ORDER SHEET

Ganesh Chandra Maity

Form No.

Case No. **OA-291 of 2022**

Vs.

The State of West Bengal & Ors.

favour, therefore, I stay the operation of the impugned Final Order dated 18.04.2022 till the next date and direct the respondents to make appropriate submission by the next date positively.

The Registry is directed to communicate this order to all the respondents immediately.

Let the matter be listed under the heading “**Admission Hearing**” on **29.06.2022**.

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

CSM/SS