

**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 ,  
Mr. G. Halder,  
Learned Advocates.

03  
29.06.2022

For the State  
Respondents

: Mr. S.K. Mondal,  
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 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

On consent of both the sides, matter has been taken up.

Affidavit of service has been filed. Let it be kept with the record.

Today the counsel for the respondent has submitted that as per Rule 10 (11) of WBS (CCA) Rules, 1971, there is no such provision to supply the enquiry report, if the penalty imposed under Rule 8 (1) to (8). Therefore, there is no necessity to serve Enquiry Report to the applicant.

However, counsel for the applicant has referred the judgement passed by the Constitutional Bench of Hon'ble Apex Court in the case of Managing Director, ECIL Vs. B. Karunakaran reported in (1993)4 SCC 727 wherein the Hon'ble Apex Court has held whether there is any provision for supplying of Enquiry Report to the delinquent officer or not, the Disciplinary Authority has to supply the Enquiry Report before passing any final order. Moreover, in the instant case, the Disciplinary Authority has imposed punishment on the basis of an Enquiry Report, which was not admittedly served upon him.

The counsel for the respondent has prayed for some time to file reply. Therefore, the counsel for the applicant has prayed for extension of interim order till the final disposal of the original application.

Heard the parties as well as judgement placed by the counsel for

**ORDER SHEET**

Form No.

Ganesh Chandra Maity

**Vs.**

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

The State of West Bengal & Ors.

the applicant. Since the applicant has prima facie a case and balance of convenience is in his favour, therefore, the interim order granted by way of staying the operation of the impugned order dated 07.06.2022, is directed to be extended till the final disposal of the OA.

Let the matter be listed for "Hearing" on **03.08.2022**. Reply/rejoinder if, in the meantime.

URMITA DATTA (SEN)  
MEMBER (J)

sc