

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-303 of 2022

Abhijit Acharya Bhaduri **VERSUS – The State of West Bengal & Ors.**

Serial No. and
Date of order

For the Applicant

: Mr. M.N. Roy,
Mr. S. Shosh,
Mr. G. Halder,
Learned Advocates.

03
22.6.2022

For the State
Respondents

: Mr. G.P. Banerjee,
Learned Advocate.

Fir the P.S.C., W.B.

Mr. A.L. Basu,
Mr. S. Bhattacharjee,
Learned Advocates.

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 order dated 31.03.2022. As per the applicant, this is the second phase of litigation. Earlier he had approached this Tribunal in OA-494 of 2021 which was disposed of vide order dated 05.08.2021 with the following order :-

“Heard both the parties and perused the records. The judgement passed by this Tribunal, it is noted that the disciplinary proceeding was initiated way back on 15.03.2011. Even the second Show Cause Notice was served upon the applicant on 5th October, 2018 in reply which was received by the respondent on 3rd December, 2018. But, till date, no final order has been communicated to them. Since a long period has already been lapsed after issuance of second Show Cause Notice, then only the final order has to be passed as the applicant had already replied to the Show Cause Notice also. Therefore, I direct respondent No. 2, Principal Secretary, Department of Finance (Revenue) Govt. Of West Bengal to conclude the Departmental Proceedings and to take a final decision by way of passing a reasoned and speaking order as per

ORDER SHEET

Form No.

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Rules and communicate the same within six months from the date of receipt of the order, in default, the proceeding should be vitiated. However, I have made it clear that I have not observed anything on the merit of the case. Accordingly, the OA is disposed of with no order as to costs.”

The counsel for the applicant has submitted that he had communicated the said order to the respondents which was received by them on 09.08.2021 and thereafter the respondents had passed the final order on 31.03.2022 i.e. beyond six months stipulated period of time even without preferring any writ petition and/or asking for any extension of time to pass the final order. Therefore, the order dated 05.08.2021 has attained finality.

The counsel for the respondent has prayed for some time to file reply to explain such delay in passing the final order. The counsel for the applicant has submitted that he has no objection if the respondents would be granted time to file reply. However, since the punishment is proposed for stoppage of increment and the increment would fall in the month of July, and, therefore, in the interim the final order should be stayed.

Heard both the parties and perused the records.

As the balance of convenience is in favour of the applicant, therefore, the respondents are directed to file reply by four weeks. Rejoinder, if any, may be filed by two weeks thereafter. In the interim the respondents are directed to keep in abeyance of the final order dated 31.03.2022 till the next date. Let the matter be listed for admission hearing on **25.08.2022**.

URMITA DATTA (SEN)
MEMBER (J)

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