

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –OA 327 of 2022

Prabir Kumar Dey Sarkar. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. G. P. Banerjee, Mr. M. Karim, Mr. S. Thakur, Mr. S. R. Faraz, Advocates.
<u>06</u> 23.09.2022.		
	For the State Respondents	: Mr. M. N. Roy, Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

In the instant application has been filed basically praying for stay on disciplinary proceeding dated 26.10.2018 till the disposal of the criminal case being Kasba P.S.(DD) Case No. 197 dated 06.06.2018 under section 120B IPC read with 25(IB)(a)/35 Arms Act 1959 as well as praying for a direction to the respondent authority to change the Enquiry Officer.

During the course of the hearing, the counsel for the applicant has fairly submitted that he is not pressing prayer 'b', that is, prayer for a direction to change the Enquiry Officer.

Prayer is allowed.

The applicant is directed to delete prayer 'b' in the original file as well as the respondents file in course of this day.

During the course of the hearing, the counsel for the applicant has submitted that as the charges and witnesses are same in both the disciplinary proceeding and criminal proceeding, therefore, he has made a representation dated 29.07.2022, which he has produced in the record by way of supplementary affidavit and has prayed for leave may be granted to file the said supplementary affidavit.

ORDER SHEET

Form No.

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The State of West Bengal & Others.

Prayer is allowed.

During the course of the hearing, the counsel for the applicant has made an innocuous prayer that as he has already filed representation before the disciplinary authority in this regard, which is still pending before the respondents, therefore, the counsel for the applicant had prayed for an interim protection of stay of enquiry proceeding till the disposal of the representation dated 29.07.2022.

The counsel for the respondents has no objection to consider the representation of the applicant.

In view of the above, the respondent no. 4 – the Inspector General of Police (Headquarters), West Bengal is directed to dispose of the representation of the applicant dated 29.07.2022 and communicate the decision of the respondent by way of passing a reasoned and speaking order and communicate the same by eight weeks and in the meantime, the Enquiry Officer is also directed not to proceed further till the disposal of the said representation.

Let the matter be listed on **06.12.2022**. Reply and Rejoinder, if any, in the meantime.

URMITA DATTA (SEN)
Officiating Chairperson and Member (J)

S.M.