

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 329 of 2021

ASHOKE DEB - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy Advocate
	For the State respondents	: Mr. G.P. Banerjee Advocate

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

As per the Applicant, he was suspended on 06.05.2004(Annexure-A) on account of production of false/fake/fraudulent certificate. Thereafter, he has been charge-sheeted vide Memo dated 19.05.2004. However, both the suspension order and the disciplinary proceedings are still pending. As per the Applicant, since 17 years, he has been put under suspension. Even on 22.03.2021, he made a representation to the Authority for consideration for revocation of his suspension(Annexure-E). According to the Applicant, as per the service rule, a suspension order is to be reviewed within 90(ninty) days. However, without any review of the suspension order, he has been put under suspension for 17 long years even the disciplinary proceedings has not been concluded till date. During the course of the hearing, the Counsel for the Applicant has referred following orders passed by this Tribunal vide Order dated 01.10.2019 in:-

- (1) OA No.376/19(Amitava Mjumder – vs –The State of West Bengal),
- (2) OA No. 378/19(Romit Ghosh –Vs – State of West Bengal & Ors) &
- (3) OA No377/19(Monoj Biswas-Vs-State of West Bengal & Ors)

and has prayed for extension of benefit of those orders.

The Counsel for the Respondent, however, prayed for last chance to consider

ASHOKE DEB - VERSUS - THE STATE OF WEST BENGAL & ORS.

the representation of the Applicant.

Heard the parties and perused records. It is noted that the Applicant is under suspension for 17 years without any review though as per the law within 90 days the Authority has to review the order of suspension and take decision. However, as there are serious charge against the Applicant, one last chance is given to the Respondent Authority to take appropriate steps with regard to the suspension of the Applicant by way of considering his representation dated 22.03.2021 as per the rules and settled law and communicate the said decision within a period of 1(one) month from the date of receipt of the order, in default, the order of suspension to be treated as quashed and set aside. Further, if the Applicant would be found not guilty in disciplinary proceeding and suspension order would be revoked, then the Applicant would be allowed to join duty forthwith. Accordingly, the OA is disposed of with no order as to cost

Urmita Datta(Sen)
Member(J)