

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 340 of 2021

Monojit Bagish -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Learned Advocate.
<u>03</u> 05.08.2021	For the Respondent	: Mr. B.P. Roy, Learned 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.

The instant application has been filed mainly praying for a direction to the respondent authorities to conclude the disciplinary proceeding which was initiated by disciplinary proceeding no. 01/2017 dated 02.03.2017. As per the applicant, he was charged sheeted on 02.03.2017 (Annexure B). Thereafter, the enquiry proceeding was initiated but till date, it is at the stage of enquiry proceeding. Since more than 4 years has a lapsed, therefore the counsel for the applicant has fairly submitted that the respondents should be directed to conclude the disciplinary proceeding within a period of 6 (six) months as per there Rules.

However, the counsel for the respondents has prayed for 1 (one) year further time to conclude the disciplinary proceeding.

Heard both the parties and perused the record. It is noted that the disciplinary proceeding was initiated in the year 2017. However, after laps of more than 4 years, the proceeding has not been concluded yet. Though as per rule, the respondents has to conclude the disciplinary proceeding within a period of 6 (six) months time. However, as the matter is related to disproportionate assets of the applicant, therefore, further 6 (six) months

ORDER SHEET

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time is granted as a last chance to conclude the disciplinary proceeding. Accordingly, the respondent no. 3 i.e. Superintendent of Police, Howrah, Government of West Bengal is directed to conclude the disciplinary proceeding within a period of 6 (six) month time and communicate his decision by way of reasoned and speaking order from the date of receipt of the order. The applicant is also directed to co-operate with the disciplinary authority. However, it is made clear that I have not observed anything on the merit of the case.

Accordingly, the OA is disposed of with the above observation and direction with no order as to cost.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

Mrs. URMITA DATTA (SEN)
MEMBER (J)

HS