

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-353 of 2022

Manojit Bagish 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.
<u>01</u> 09.06.2022	For the State Respondents	:	Mr. G.P. Banerjee, 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 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

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

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

The instant application has been filed basically challenging the impugned Departmental Proceedings No. 02 of 2022 dated 30.03.2022 and Departmental Proceedings No. 1 of 2017 dated 02.03.2017 on the ground that the charges are same and identical in both the Departmental Proceedings. Moreover, one Criminal Case has been filed before the Criminal Court under A.C.B., P.S. Case No. 014/2022 dated 24.02.2022 on the self and identical charges. It has been further submitted in this regard that the applicant has made an application before the Disciplinary Authority to keep in abeyance the Departmental Proceedings as criminal case is pending on self same cause of action before the Criminal Court, which may disclose the evidences of the applicant in the criminal case. It has further been submitted that though his representation dated 05.06.2022 (Annexure-C) is still pending before the S.P. Howrah (Rural) for his consideration, however, the Enquiring Officer has started enquiry proceedings on 06.06.2022 to 10.06.2022 continuously. Therefore, the counsel for the applicant has prayed for

ORDER SHEET

Form No.

Manojit Bagish

Vs.

Case No. **OA-353 of 2022**

The State of West Bengal & Ors.

interim protection to stay the enquiry proceedings till the disposal of representation dated 05.06.2022 before the Disciplinary Authority.

The counsel for the respondent has submitted that they have no objection to consider the representation of the applicant.

In view of the above, Respondent No. 3, S.P. Howrah (Rural) is directed to dispose of the representation of the applicant by way of passing a speaking and reasoned order and communicate the same by the next date. The Enquiry Officer is also directed not to proceed further till the next date of hearing. The counsel for the respondents are directed to take instruction in this regard. Let the matter be listed for admission hearing on **06.07.2022**.

URMITA DATTA (SEN)
MEMBER (J)

sc