

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA - 356 of 2024

Dipayan Sinha - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

02
16.01.2025

For the Applicant : Mr. A. Shaw,
Mr. M. Ganguly,
Learned Advocates.

For the State : Mr. M.N. Roy,
Respondents Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Mr. Shaw, learned counsel appearing on behalf of the applicant has submitted the following points :-

- a) The entire proceedings was conducted and completed with complete disregard to natural justice. For instance, the charge sheet was issued for one alleged charge based on a newspaper report but the Enquiring Officer submitted a total of seven charges before the Disciplinary Authority holding all the charges proved.
- b) The applicant as a charged officer was not given any opportunity to be heard in respect of the other charges framed by the Enquiring Officer.
- c) No names of witnesses were disclosed in the memorandum of charge sheet though a total of around ten witnesses were examined in absence of

the charged officer. Therefore, the charged officer was denied any opportunity to cross examine these witnesses.

- d) Similarly the submissions recorded from these witnesses were not only unknown to the charged officer but were considered as valid statements of witnesses.
- e) Further the Enquiring Officer had collected materials which were not served upon the charged officer, and
- f) Surprisingly, the statement of the Presenting Officer in this proceeding was recorded as one of the witnesses.

Mr. Shaw wishes to present relevant judgement of Hon'ble Apex Court on the next date of hearing. Let submissions of Mr. Roy be made on the next date.

Let the matter appear under the heading Hearing on 30.04.2025. Reply/rejoinder, if any, in the meantime.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)