

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 366 of 2023

ASOK KUMAR SAMANTA - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicants : Mr.G.Haldar
Advocate

01
07.07.2023

For the State respondents : Mr.Goutam Pathak Banerjee
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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed today be kept on record.

The prayer in this application is for a direction to the respondent to conclude disciplinary proceedings initiated against the applicant vide Memo. No. 51(2) dated 20.03.2017. Submission of Mr.G.Haldar, learned advocate for the applicant is that the proceedings initiated in the year 2017 has not been completed yet. He also supports his point after relying the judgement of the Hon'ble Supreme Court in the matter of Prem Nath Bali Vs. Registrar, High Court of Delhi and Another. The relevant para is as under:

“28. Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavour to conclude the departmental enquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit.”

It is also submitted that in the meantime, the applicant has also

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superannuated and he receives only the provisional pension.

Appearing on behalf of the respondent, Mr.G.P.Banerjee, learned advocate submits that if a direction is given to the concerned respondent, the same will be complied after following the relevant rules.

In view of the above submissions, this Tribunal issues a direction to the respondent No.2, the Secretary, Food and Supplies Department, Government of West Bengal to conclude the Departmental proceedings against the applicant-Asok Kumar Samanta, which was initiated on 20.03.2017 within a period of six months positively by passing the final order.

Let the matter be listed under the heading "For Orders" on 23rd February, 2024.

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

BLR