

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 392 of 2019

SATYA PRAKASH MISHRA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>07</u> 19.03.2021	For the Applicant	: Mr. M.N. Roy & Mr. G. Halder Advocates
	For the State respondents	: Mr. A.K. Das Sinha Advocate
	Departmental Representative	: Ms. S. Agarwal P.S.C., WB

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

The Counsel for the Respondent, today, has raised objection to be heard by the Single Bench on the following grounds:-

1. The Interim Order was granted by the Division Bench.
2. All along the matter was heard by the Division Bench.
3. A point of law whether the Disciplinary Authority can impose punishment of both the stoppage of increment as well as debarment of promotion. Therefore, as per the Counsel for the Respondent, he does not want to be heard by the Single Bench.

PKD

The Counsel for the Applicant has submitted that the law point involved in this matter has already been decided by this Tribunal and further affirmed by the Hon'ble High Court in OA No. 494 of 2017, dated 11.01.2019 (Sanjoy Kumar Dutta – Versus – The State of West Bengal) and W.P.S.T. No. 105 of 2019, dated 15.11.2019 (The State of West Bengal – Versus – Sanjoy Kumar

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Dutta & Ors.), and the Department has not preferred any appeal against the order of the Hon'ble High Court. Therefore, no new issue has to be adjudicated by this Bench.

Mrs. Sunita Agarwal, appeared on behalf of the Public Service Commission, West Bengal has affirmed that P.S.C. has no objection to be heard by the Single Bench.

Heard both the parties as well as perused the judgement. It is noted that the law point involved in this case was decided by the Single Bench Member by setting aside an impugned order on the same issue, which was affirmed by the Hon'ble High Court. However, as the Counsel for the Respondent is not willing to be heard by this Bench, the Bench is releasing the matter with a liberty to the parties to mention before appropriate Bench.

PKD

Urmita Datta(Sen)
Member(J)