

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 395 of 2023

Debaprasad Manna -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant	: Mr. M.N. Roy, Mrs. S. Das, Ld. Advocates.
For the State respondent	: Mr. Shaon Bhattacharya, Ld. Advocate.
For the Pr.AG (A&E), W.B.	: Mr. B. Mitra, Departmental Representative.

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06.11.2024

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.

By an order of this Tribunal dated 15.09.2023, the respondent no. 4, the District Registrar, Purba Medinipur and also the Disciplinary Authority was given a two months time to conclude the disciplinary proceedings against the applicant. During the course of the hearing on 17.01.2024, Mr. Shaon Bhattacharya, learned counsel who had appeared on behalf of the State respondents had prayed for further time for conclusion of the disciplinary proceedings. He had submitted before this Tribunal that “concrete steps” have been initiated to conclude the proceedings. In the meantime, the applicant approached the Hon'ble High Court in WPST 11 of 2024. The Hon'ble High court disposed of the matter. The relevant part of the order is as under :

“Indisputably, the original application is still pending before the learned Tribunal. When the matter last appeared on 23rd April, 2024, the same was adjourned due to pendency of the present writ petition. Records do not reveal that the learned Tribunal has taken any final decision as to whether the disciplinary proceedings stands vitiated having not been concluded within the period of ‘two months’, as directed in the earlier order dated 15th September, 2023”.

It has now become clear to this Tribunal that the Disciplinary Authority is not in favour of concluding the disciplinary proceedings expeditiously. By order of this Tribunal on 15.09.2023, the authority was given reasonable time of two months for concluding the same. After four months, the Tribunal was informed that such proceedings are yet to be concluded, though “concrete steps” have been taken. The Tribunal is also dismayed to

Form No.

Case No. **OA 395 of 2023.**

Vs.

The State of West Bengal & Ors.

observe that the Disciplinary Authority did not feel it necessary to pray for extension of time for concluding the proceedings. Today, Mr. Shaon Bhattacharya, learned counsel having taken instructions is of the opinion that the actual conclusion of the proceedings may take further few months. The Tribunal is also not of the opinion that the charges framed against the applicant are so grave that further time is required.

Considering the above observations, the Tribunal is constrained to decide that the Disciplinary Authority, despite being given sufficient time to conclude the proceedings has till date failed to do so. Therefore, the Tribunal is of the opinion that the Disciplinary proceedings cannot stay any further against the applicant and accordingly, the proceedings are vitiated. The Respondent No. 4, the District Registrar, Purba Medinipur & Disciplinary Authority is directed to process his pension along with arrears and other retiral benefits, if not sanctioned till date within a period of four months from the date of communication of this order, if otherwise eligible.

Accordingly, this application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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