



**ORDER SHEET**

Form No.

SANJIB SARKAR.

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Case No. **OA 453 of 2018.**

**Vs.**  
**THE STATE OF WEST BENGAL & ORS.**

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*was not substantiated;*

AND

*WHEREAS, on consideration of report of the Inquiring Authority and the records of the case, the Disciplinary Authority was of the opinion that the said Shri Sarkar was guilty of the charge-II framed against him and tentatively decided for imposition of a penalty of 'Censure' against him;*

AND

*WHEREAS, in terms of Sub-Rule-(13) of Rule 10 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, all papers connected with the Departmental Proceedings were sent to the Public Service Commission, West Bengal for its opinion vide No. 522-P&AR(Vig.) dated 30/07/2015;*

AND

*WHEREAS, the Public Service Commission, West Bengal after examining the case records and all other aspects related to the case, recommended and advised that the penalty of 'Censure' be inflicted upon Shri Sarkar and he 'be debarred from promotion for a period of one year';*

AND

*WHEREAS, the Disciplinary Authority, after considering all relevant documents and records of the case, was of the opinion that a penalty of 'Censure' be imposed upon the said Shri Sanjib Sarkar, W.B.C.S. (Exe.), in terms of Rule 8(i) of the West Bengal Services (Classification, Control & Appeal) Rules, 1971;*

NOW

*THEREFORE, in exercise of the power conferred by Rule 8(i) of the West Bengal Services (Classification, Control & Appeal) Rules, 1971, the Governor is pleased to order imposition of penalty of 'Censure' upon Sri Sarkar with an intimation that repetition of this misconduct in future will invite major penalty/disciplinary proceedings without any further notice.*

*A copy of letter no. 4273-P.S.C. dated 29/12/2015 containing*

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*recommendation and advice of the Public Service Commission, West Bengal is enclosed herewith...”.*

Mr. A.K. Das Sinha , learned advocate for the applicant relying on the Original Application submits that as the applicant, as evident from the prayer, has prayed to allow him to join duty in a “*suitable post*” according to his seniority as W.B.C.S.(Executive) Grade-A Officer and to release the arrear salaries and allowances with effect from 1<sup>st</sup> October, 2011, appropriate order may be passed as the applicant has filed representations annexed to the application, the last of which was filed on 30<sup>th</sup> May, 2017.

Mr. S. Ghosh, learned advocate for the State respondents relying on the reply submits that as departmental proceeding has been initiated by memorandum dated 14<sup>th</sup> February, 2019, no order may be passed.

Heard learned advocates for the parties.

Since the applicant has prayed to allow him to join in a “*suitable post*” according to his seniority as a W.B.C.S. (Executive) Grade-A Officer, considering the facts and circumstances of the case, the application is disposed of by granting liberty to file representation in tune with prayer ‘a’ of the application before the Secretary, now re-designated as Additional Chief Secretary, Personnel and Administrative Reforms Department, Government of West Bengal, Nabanna, Howrah, - the respondent no. 2 within four weeks along with a copy of this order downloaded from the website of the Tribunal. If representation is filed along with the prayer for release of arrear salary and allowances within the time as stipulated, it shall be disposed of by the respondent no. 2 within twelve weeks after giving an opportunity of hearing to the applicant and after verifying the records.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN.

Skg.

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WEST BENGAL ADMINISTRATIVE TRIBUNAL