

Form No.

Case No. **OA 469 of 2023**

Vs.

The State of West Bengal & Ors.

been filed within time and proceed in accordance with law. Since the real cause of action for the instant application has lapsed by virtue of a subsequent event, no further consideration is required in this writ-petition.”

Responding to the prayer of interim order in view of the objection raised by the learned counsel for the applicant that relevant documents have not been provided to the applicant as is required by law, Ms. Sarkar refers to page 127 which appears to be a letter written by the charged officer dated 28.10.2022. In the letter the charged officer states the following lines relating to inspection of documents:

“I have inspected the documents which have been provided by the office of the B.L.&L.R.O., Moyna in connection to the Mutation cases which have been alleged in the show cause letter dated 20.09.2022.....”

Submission of Ms. Sarkar is that in the above documents of the applicant it is apparently clear that he has been shown all the primary documents.

After hearing the submissions of the learned counsels and perusing the documents annexed to this application, the Tribunal is of the view that since the departmental proceeding has been initiated by show-causing the charged officer and issuing the charge-sheet, the prayer for restraining the respondent authority from proceeding in the departmental proceeding has no merit. Further, reference has been made to an order passed by the Hon’ble High Court in WPST 113 of 2022 by which it has been made clear that the respondent Department can proceed in the departmental proceeding as per law. Therefore, restraining the respondent by an interim order will not only be interruptive but also outside the purview of this Tribunal and non-compliance to the Hon’ble High Court’s order.

With regard to the objection of the learned Departmental Representative on admitting this application, the Tribunal does not find any reasonable ground since the applicant has approached the Tribunal seeking remedy, such opportunity of remedy should not be denied to the applicant.

The matter is admitted.

Let the matter appear under the heading “Hearing” on 04.01.2024. Reply, Rejoinder, if any, in the meantime.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

SCN.