

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 477 of 2023

AYAN GHOSH - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

01
25.07.2023

For the Applicant	:	Mr.Manujendra Narayan Roy Advocate
For the State Respondents	:	Mr.Soumendra Narayan Ray 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.

The prayer in this application is for a direction to the respondent authority to conclude the disciplinary proceedings so initiated against the applicant in the year 2019 and pass the final order in accordance with law. In support of the prayer, Mr.M.N.Roy, learned counsel for the applicant refers to a judgement of the Hon'ble Supreme Court in 420 (2015) 16 SCC in the matter of Prem Nath Bali v. High court of Delhi, in which relevant para 28 is specifically referred to;

“ 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. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time-frame then efforts should be made to

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conclude within the reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”

Appearing on behalf of the respondent authority, Mr.S.N.Ray, learned counsel submits that due to the delay caused by the State Vigilance Commission, the disciplinary authority was not in a position to conclude this disciplinary proceeding on time.

After hearing both the learned counsels and considering the judgement of Apex Court in 420 (2015) 16 SCC, the Respondent No. 2, the Additional Chief Secretary, Department of Forests is directed to conclude the disciplinary proceedings against the applicant within six months from the date of communication of this order in the light of the judgement passed by Hon'ble Supreme Court as mentioned above.

In the event, if this disciplinary proceeding is not concluded within six months from the date of communication of this order, the Tribunal will consider the entire disciplinary proceeding as vitiated.

Accordingly, the application is disposed of.

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

BLR