

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-486 of 2022

Mr. Pradip Kumar Saha -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. A. Hati,
Ld. Advocate.

For the State Respondents : Mrs. S. Bandyopadhyay,
Ld. Advocate.

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10.06.2024

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 filing this application, the applicant has prayed for setting aside the impugned reasoned orders passed on 16.03.2022 by the respondent authorities. By this order, the Disciplinary Authority imposed a punishment of penalty of censure upon the applicant after conclusion of the disciplinary proceedings. The applicant also prays for a direction upon the Principal Secretary to dispose of his appeal.

Submission of Mr. Hati, learned counsel is that the final order imposing such a censure suffers from serious procedural lapses. As an instance, he mentions that the presenting officer was absent during the enquiry and the hearing. Therefore, in absence of the presenting officer and such presentation of evidences, the Inquiring Officer composed a report which ultimately led to passing of the final order.

Mrs. Bandyopadhyay, learned counsel prays for accommodation to respond to Mr. Hati's allegation that during the enquiry and the hearing, the presenting officer had remained absent. Let such response from the State respondents be submitted on the next date of hearing.

Let the matter appear under the heading "**Hearing**" on **27.01.2025**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)