

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson and Member (J).

Case No. OA – 493 of 2022

Sandip Kumar Paul - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. K.J. Tewari,
and Mr. T. Tewari,
Date of order Ms. R, Ghatak,
4 Mr. A. Tewari,
01.09.2022 Advocates

For the State : Mr. G.P. Banerjee,
Respondents Mr. B.P. Roy,
Advocates

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536 – WBAT / 2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant application has been filed basically praying for stay of operation of the disciplinary proceedings initiated by Memo. dated 17.01.2022. It has been submitted by the applicant that with regard to one complaint made by one lady a criminal case being G.R. case No. 1506 of 2021 has been filed before the Ld. Additional Chief Judicial Magistrate at Barasat with regard to Bidhan Nagar North Police Station case No. 257 of 2021 dated 11.12.2021 u/s 354/34 I.P.C. As per the applicant, subsequently he was also served with the Charge Sheet dated 17.01.2022 on the self-same charges and witnesses. As per the applicant, he has already made an application before the authority dated 13th July 2022 to keep the departmental proceedings in abeyance as the self-same charges and witnesses are involved in both the departmental proceedings as well as

criminal proceedings, which is still pending before them. Being aggrieved with, he has filed the instant application. The counsel for the applicant has also referred the following judgements:

- (1) Capt. M. Paul Anthony –Vs- Bharat Gold Mines Ltd. and Another, reported in (1999) 3 SCC 679.
- (2) G.M. Tank –Vs- State of Gujarat and Others, reported in (2006) 5 SCC 446.
- (3) Pravin Kumar –Vs- Union of India and Others, reported in (2020) 9 SCC 471.

During the course of the hearing, the counsel for the applicant has fairly submitted that it would suffice his purpose, if the authority would be directed to consider the representation of the applicant and communicate his decision within a stipulated period of time. It has further submitted that in the interim, the departmental proceedings may be kept in abeyance.

The counsel for the respondent has no objection to such proposition.

Heard the parties.

In view of the above, the Respondent No. 4 is directed to consider the representation of the applicant and communicate his decision by way of a reasoned and speaking order within a period of four weeks. In the

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interim, the disciplinary authority is directed to keep in abeyance the disciplinary proceedings till the disposal of the representation. The counsel for the respondent is also directed to communicate this order to the respondent. Accordingly, the O.A. is disposed of with no order as to cost.

URMITA DATTA (SEN)
Officiating Chairperson and Member (J)

A.K.P.