

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. OA - 494 of 2021

Abhijit Acharya Bhaduri - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>2</u> 05.08.2021	For the Applicant	: Mr. M.N. Roy, Mr. S. Ghosh, Advocates.
	For the State Respondents	: Mr. G.P. Banerjee, Advocate

The matter is taken up by the Single Bench pursuant to the Notification No. 949 – WBAT / 2J – 15 / 2016 dated 24.12.2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under sub section 6(5) of the Administrative Tribunal's Act, 1985.

Affidavit of service has been filed.

The instant application has been filed mainly praying for conclusion of the Departmental Proceedings initiated vide Memorandum dated 15.03.2011. Subsequently, the enquiry was held, wherein the applicant had participated and ultimately Second Show-Cause Notice proposing for the punishment was issued by the Chief Secretary, Govt. Of West Bengal vide order dated 5th October, 2018. Against which, the applicant had submitted his reply, which was received by the authority by 3rd December, 2018. However, till date, no final order has been communicated to the applicant.

During the course of the hearing, the counsel for the applicant has referred following orders:

- “(a) OA No. – 420 of 2020 dated 11.12.2020**
- (b) OA No. – 31 of 2021 dated 12.02.2021**
- (c) OA No. – 70 of 2020 dated 26.02.2021”**

and has prayed for a direction to the respondents to conclude the Disciplinary Proceedings within a stipulated period of time in the light of the afore-mentioned

ORDER SHEET

Form No.

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Vs.

THE STATE OF WEST BENGAL & ORS.

judgements.

Mr. G.P. Benerjee appearing for the respondent has submitted that he has no objection if the respondent would be directed to pass final order by not observing anything on the merit of the case.

Heard both the parties and perused the records. The judgement passed by this Tribunal, it is noted that the disciplinary proceeding was initiated way back on 15.03.2011. Even the second Show-Cause Notice was served upon the applicant on 5th October, 2018 in reply which was received by the respondent on 3rd December, 2018. But, till date, no final order has been communicated to them. Since a long period has already been lapsed after issuance of second Show-Cause Notice, then only the final order has to be passed as the applicant had already replied to the Show-Cause Notice also. Therefore, I direct respondent no. 2, Principal Secretary, Deptt. of Finance (Revenue), Govt. of West Bengal to conclude the Departmental Proceedings and to take a final decision by way of passing a reasoned and speaking order as per Rules and communicate the same within six months from the date of receipt of the order, in default, the proceeding should be vitiated. However, I have made it clear that I have not observed anything on the merit of the case. Accordingly, the O.A. is disposed of with no order as to cost.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

A.K.P.

Mrs. URMITA DATTA (SEN)
MEMBER (J)