

**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 520 of 2023**

**Sri Amitava Dey Sarkar -- VERSUS – The State of West Bengal & Others**

Serial No. and  
Date of order

For the Applicant

: None.

For the State Respondents

: Mr. A. K. Das Sinha,  
Learned Counsel.

07  
15.05.2025

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant working as a UDC in the Office of District Inspector of Schools (SE), Howrah was transferred in the same post in the office D.I of School (SE), Hooghly by Order No. 784 dated 12.05.2023. By filing this application, the applicant had prayed for setting aside this transfer order. In the supplementary application for which leave was granted by this Tribunal, the applicant has now prayed for a direction to the respondent authorities to sanction his pension and release of other retiral benefits. Although as per his statement, he wanted to join the new place of posting but was not allowed. Therefore, he was compelled to submit his joining report through speed post showing 31.05.2023. Incidentally, the applicant's superannuation was also on the same day - 31.05.2023.

Based on a written complaint from some teachers and other persons addressed to "Hon'ble Mr. Arup Roy", Honourable M.I.C., Department of Co-operation, a notice for initiating disciplinary proceedings was communicated to the applicant on 26.05.2023. Interestingly the complaint is neither signed by any of the complainants', (only the name of the complainants) nor a date is given in the complain. The Tribunal wonders why such a vague complain addressed to a Minister who is not the Minister of this Department, was entertained. The complain letter alleges that the applicant office was found "harass intentionally the employees of many schools". The complain further goes to allege that he is "basically a

Form No.

**Vs.**

Case No. **OA 520 of 2023**

**The State of West Bengal & Ors.**

corrupted staff". Concluding the complain, the authors said that " the victims of his misbehaviour and conspiracy want your intervention in this regard and also demand punishment, such a transfer or such pension. Taking cognizance of such complain, the District Inspector of Schools (SE), Howrah by Memo 124 dated 26.05.2023 directed the applicant to submit his written statement in relation to the "charges". Such written response was to be furnished by 29.05.2023, within 3 days time. The Director of School Education in memo no. 785 dated 12.05.2023 instructed the D.I of Schools (SE), Howrah to keep a "strict vigil" over activities of Amitava Dey Sarkar. The applicant in his letter dated 29.05.2023 addressed to the D.I of Schools (SE), Howrah requested for serving him a copy of the charges framed against him. He also made it clear that response to the complain before "Respectable Mr. Arup Roy, Hon'ble M.I.C., Department of Co-operation" is not possible without reviewing the charges framed against him.

As obvious from the above statement, simply on the basis of a complain addressed to a Minister of another Department, a disciplinary proceeding was initiated against the applicant. Although, the applicant, as the charge officer was asked to reply to the charges but no charges have been framed and such direction for response is only against the complain made before the Minister. The Disciplinary Authority has completely ignored that a disciplinary proceeding is a quasi judicial process. What is more shocking is that on the pretext of such defective and invalid proceedings, the applicant's pension and other retiral benefits have been stopped for the last almost 2 years from the date of his superannuation.

The Tribunal without any doubt has come to the conclusion that the officials of the Education Department from the Director to the District Inspector has acted not only arbitrarily but with a malafide intention to victimise the applicant on the basis of a flimsy and vague complain. The respondent authorities with a casual strike of pen decided not to release his

Form No.

Case No. **OA 520 of 2023**

**Vs.**

**The State of West Bengal & Ors.**

pension and other retiral benefits. Such action is completely unwarranted and is a mockery of justice. Therefore, the Tribunal does not hesitate in quashing and setting aside the Memos 785 dated 12.05.2023. These are set aside. Further, the respondent No. 4, The D.I of Schools (SE), Howrah is directed to arrange release of his pension and other retiral benefit within three (3) months from the date of communication of this order.

This application is disposed of.

**SAYEED AHMED BABA**  
Officiating Chairperson & Member (A)

S.M.