

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- 53 of 2023

Biswanath Das VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order For the Applicant : Mr. G.P. Banerjee,
Learned Advocate.

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18.05.2023 For the State Respondents : Mr. S.Ghosh,
Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

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 sitting singly.

The prayer in this application is for a direction to the respondent authorities to disburse his terminal benefits, including regular pension. The applicant superannuated as an Assistant Engineer in the Department of Public Works on 31.12.2015. In the earlier OA-406 of 2020, the Tribunal had directed the respondent to conclude the Departmental Proceedings within a period of six months, in default the entire Departmental Proceedings will stand vitiated. Thereafter, the respondent filed the MA-98 of 2022 after expiry of six months informing that since the applicant is a Group-A Officer and since he has already retired, the matter has already been referred to the Hon'ble Governor for confirmation of imposition of penalty.

In this instant case, the Departmental Proceedings was initiated against the employee while still he was in service, however, this enquiry was not concluded by the time he reached his superannuation. Therefore, neither the Departmental Proceedings was concluded till now nor his full pensionary benefits were granted.

In view of this, the Tribunal had directed the disciplinary

authority to conclude the entire Departmental Proceedings within six months and if on the lapse of six months, the enquiry was not concluded the entire Departmental Proceedings will stand vitiated.

In today's hearing, it is apparent that such enquiry which was to be concluded within six months was not concluded and thus, as directed by the Tribunal, entire Departmental Proceedings was vitiated. The respondent authority had submitted through MA-98 of 2022 that the matter has been referred to the Hon'ble Governor for his approval confirming the punishment to be imposed on the employee on 19.05.2022.

Mr. Ghosh submits that confirmation of such proposal has not been received by the respondent department till today. In the meantime, as submitted Mr. Banerjee that the relevant rule requiring the disciplinary authority to get approval of the Governor for such punishment has been amended. As per the revised Notification No. 1440-F dated 20.02.2008 no prior approval of the Governor is now required for such case.

After hearing the submissions of the learned counsels, the Tribunal is of the considered view that the entire Departmental Proceedings has already been vitiated by lapse of six months and the relevant application OA-406 of 2020 as well as MA-98 of 2022 have been disposed of, therefore, the question of pending Departmental Proceedings is not relevant now. Therefore, I direct the Respondent No. 1 to process the proposal for sanctioning of the full pensionary benefits of the applicant and submit the same before the office of the Principal Accountant General (A & E), W.B. within three months from the date of communication of this order after

observing all formalities.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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