

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-534 of 2018

Dr. Haricharan Ray **VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order For the Applicant : Mr. B.N. Roy,
Learned Advocate.

For the State Respondents : Mrs. S. Agarwal,
Learned Advocate.

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17.08.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

The counsel for the applicant has submitted that though the recommendation made by the Human Rights Commission was known to the department since 2002 and the cause of action also arises in the year 2002, however, the Charge Sheet was issued on 04.06.2018. Therefore, the Disciplinary Proceedings is liable to be quashed on the ground of delay and laches. In this regard, the counsel for the applicant has referred the judgement reported in 1990 (Supp) SCC 738 in the case of State of Madhya Pradesh Vs. Bani Singh & Anr.

The counsel for the respondent, however, has stated that as the charges is very serious, therefore, they have rightly issued the Charge Sheet as no proper ground for challenging the Disciplinary Proceedings has been taken in the OA.

Heard the parties.

Order Reserved.

URMITA DATTA (SEN)
MEMBER (J)

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