

ORDER SHEET

**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-567 of 2022**

**Partha Kumar Das -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. Kartik Dey, Ld. Advocate.

For the State Respondent : Mr. G.P. Banerjee, Ld. Advocate.

09  
20.01.2025

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.

By filing this application, the applicant has prayed for setting aside two impugned orders :

(i) final order passed by the disciplinary authority in order no. 40/2021 dated 08.10.2021 and (ii) the Appellate order passed by the Inspector General of Police (Armed Police), North Bengal, Siliguri. The Appellate order had confirmed the final order which imposed a punishment of stoppage of one increment of pay of one year without cumulative effect. The final order also treated 85 days of absence as E.O.L. Submission of Mr. Dey, learned counsel was that the applicant was absent due to his suffering from COVID-19 and was not in a position to attend the office.

Mr. Banerjee, learned counsel draws attention to para 2 of the final order passed by the disciplinary authority. After close reading of the relevant paragraphs, it has become clear to this Tribunal that the applicant was found giving a fake COVID-19 test report which had declared him as positive. It is also clear from a statement in the representation filed by the applicant on 24.06.2021 before the Deputy Inspector General of Police, Armed Police, North Bengal, Siliguri admitted by the applicant that he had submitted a fake COVID-19 test report arranged through a broker. Though, Mr. Dey is of the opinion that the applicant suffering from high fever was misguided by a broker and such fake certificate was handed over to him for having COVID positive but it is also to be appreciated that the applicant had submitted a fake report. The Tribunal also finds that the final order had considered all these aspects and treated the days of his absence as E.O.L. The Tribunal does not find any malice or prejudice towards the applicant by imposing such a punishment in the final order. The Appellate Authority has also confirmed the same.

Therefore, this Tribunal does not find any merit in this application and accordingly, this application is **disposed of** without passing any orders.

CSM

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