

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 604 of 2023

Shayan Ahmed -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee, Ld. Advocate.

Ms. A.P. Banerjee, Ld. Advocate.

For the State respondent : Mr. M.N. Roy, Ld. Advocate.

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26.09.2023

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 for consideration sitting singly.

The prayer in this application is for appointing an Inquiring Authority into the departmental proceeding initiated against the applicant. From submission of Mr. Banerjee and the references in this application, it appears the applicant as the charged officer had requested the Disciplinary Authority to change the Inquiring Authority for reasons as stated in the letter.

Appearing on behalf of the respondents, Mr. Roy draws attention to page no. 32 and submits that the Disciplinary Authority after consideration of his prayer for change of Inquiring Authority has informed the decision to the applicant. This reference dated 16.12.2022 by the department informs the applicant who is also under suspension that the Disciplinary Authority did not find any valid reason for change of the Inquiring Authority at this stage. Mr. Roy also informs that by this time, the Inquiring Authority has already submitted his report to the Disciplinary Authority and the departmental proceedings will be concluded. However, Mr. Banerjee submits that he had earlier informed the Disciplinary Authority about lack of free and fair opportunity.

Liberty is given to Mr. Banerjee to file supplementary application on the next date.

The matter is admitted.

Let the matter appear under the heading “**Hearing**” on **27.03.2024**.

SS/SM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)