

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. – OA 611 of 2018

KANCHAN KAMAL MUKHOPADHYAY - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

18
10.05.2023

For the Applicant : Mr. S.Bhattacharya
Advocate

For the State Respondents : Mr.Soumendra Narayan Ray
Advocate

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 setting aside the order No. 804-FT/O/1E-27/13 ST, 805-FT/O/1E-27/13 ST dated 11.05.2017, Order No. 705-F.T. dated 30.05.2013 and 602-F.T dated 15.05.2018.

Concluding the disciplinary proceedings against the applicant, the disciplinary authority imposed a penalty of withholding 10% of pension for three years in terms of Rule 10(1) of WBS (DCRB) Rules 1971.

The charges against the applicant was related to possession of disproportionate assets known to his income.

Submission of Mr.S.Bhattacharya, learned counsel for the applicant is that the disciplinary authority did not at all consider the submissions of the charged officer. In brief, he completely relied on the inquiry report submitted by the inquiring officer without giving any opportunity to the charged officer.

In response, Mr.S.N.Ray, learned counsel opposes such submission of S.Bhattacharya by submitting that the charged officer was given

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ample opportunity of hearing and there was no lacunae or procedural lapses on part of the respondent authority. The articles of charge and the final order is not only exhaustive, but supported by specific examples.

After hearing the submissions of the learned counsels and considering the facts and circumstances of the case, the Tribunal holds that there was no illegality or non conformity to any law nor any procedural lapses on part of the disciplinary authority in passing the final order dated 15.05.2018. The Tribunal has not come across any serious procedural lapse or violation of any law by the disciplinary authority in conducting this departmental proceedings and passing the final order.

Accordingly, the application is disposed of without any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR