

**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 623 of 2013**

**Kush Kumar Paul - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. S. Mondal,  
Learned Advocate.

31  
22.02.2024

For the State Respondents : Mr. S. Ghosh,  
Learned 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 restraining the respondents from proceeding further in the Disciplinary Proceedings initiated against the applicant. Submission of Mr. Mondal is that this matter be placed before a Bench comprising two Members (Judicial & Administrative) to be heard.

Opposing such matters to be heard by the Division Bench, Mr. Ghosh submits that the Single Bench is the appropriate Bench to hear this matter. Further, the same applicant had filed five different WPSTs before the Hon'ble High Court which were subsequently withdrawn by the applicant. Though, the applicant has been acquitted by the Learned Trial Court in the criminal case, but since the Disciplinary Proceedings are separate matter, submission of Mr. Ghosh is that at this juncture when the Disciplinary Proceedings are under process, it would not be judicious to intervene and restrain the respondents.

Mr. Mondal submits that the primary prayer of this applicant is for setting aside the entire Disciplinary Proceedings.

After hearing the submissions of the learned counsels it is the

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observation of this Tribunal that a set of five separate applications (OA-426 of 2019, OA-196 of 2018, OA-197 of 2018, OA-656 of 2022 and OA-623 of 2023) have five been filed by this applicant before this Tribunal relating to a single Disciplinary Proceedings against him. Since in other applications (OA-426 of 2019, OA-196 of 2018, OA-197 of 2018 & OA-656 of 2022), this Tribunal after considering all the facts and circumstances has already passed a direction to the concerned respondent to conclude the Disciplinary Proceedings within the next six months, therefore, similar direction is again given in this application to the Respondent No. 2(b), Director of Health Services, W.B. to conclude the Disciplinary Proceedings within six months from the date of communication of this order.

With the above directions this application is also disposed of.

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

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