

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 628 of 2024

Pallab Sarkar -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M.N. Roy,
Ld. Advocate.
For the State Respondents : Mr. G.P. Banerjee,
Mrs. S. Mitra,
Ld. Advocates.

02
11.02.2025

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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

By an order no. 14156 dated 23.12.2022, the applicant was placed under suspension for his alleged involvement in a criminal case. Appearing on behalf of the applicant, Mr. Roy, learned counsel submits that the criminal case has no nexus with the official discharge of the applicant's duties. Further, though the applicant was suspended on 23.12.2022 but till date the Disciplinary Authority has not initiated any proceedings against the applicant. Such continuation of the suspension order is also in violation of the memorandum no. 9266-F(P) dated 16.11.2012 and the Rules 71(4) Note 2 (ii)(a) of WBSR, Part-I.

From the submissions and the records, it has become clear to this Tribunal that suspension order dated 23.12.2022 has not been reviewed by the respondent authority as stipulated in memo no. 9266-F(P) dated 16.11.2012. In terms of such memorandum, review of the suspension order is required to be made by a Review Committee.

The function of the Review Committee as given in the same memorandum is shown as :

(i) the Review Committee shall review the cases of Officers/employees under suspension in order to determine whether there are sufficient grounds for continuation of suspension.

(ii) In every case the review shall be done within 90

Form No.

Case No. **OA-628 of 2024**

Vs.

The State of West Bengal & Ors.

(ninety) days from the date of order of suspension or deemed to have been placed under suspension. In a case where the period of suspension has been found to be prolonged, the next review shall be done within 180 (One hundred eighty) days from the date of last review.

Accordingly, the respondent no. 1, Principal Secretary, Department of Health and Family Welfare as Member Secretary of the Committee is directed to propose to the Chief Secretary to preside over a review meeting to review the suspension of the applicant in terms of the memorandum 9266-F(P) dated 16.11.2012. The Committee shall review and decide if there are sufficient grounds for continuation of the suspension as well as enhancement of the subsistence allowance in terms of Rule 71(1)(a) of WBSR, Part-I. Such review by the Committee shall be completed within ninety (90) days from the date of communication of this order.

Let the matter appear under the heading **“For Orders”** on **26.06.2025.**

SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)