

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),

Case No. OA – 63 of 2020

Baisakhi Banerjee - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. S. Ghosh,
and Mr. M.N. Roy,
Date of order Mr. G. Halder,
7 Advocates.
10.05.2022

For the Respondents : Mr. S. N. Ray,
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt. – II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

With the consent of both the parties, the matter has been taken up for hearing.

The instant application has been filed challenging the Second Show Cause Notice dated 23.09.2019 (Annexure 'A 13'), whereby the earlier Memorandum dated 06.06.2019 on the self-same cause of action, charges, witnesses etc., except the change of enquiry and presenting officer, has been cancelled and said Show Cause Notice has been issued. In the said impugned order dated 23.09.2019, it has been categorically recorded that in compliance of the recommendation of the State Vigilance Commission, West Bengal; undersigned i.e. the Additional Secretary to the Govt. of West Bengal, Department of Child and Social Welfare has issued the Second Show Cause Notice on the same charges and witnesses. As per settled principal of law, it is not permissible to issue Second Show Cause Notice on the self-same cause of action and charges as well as relevant documents. Even the said charge sheet has been issued as per the dictate of the State Vigilance Commission, which is also not permissible as per law. Therefore, he has prayed for setting aside the second show cause notice.

ORDER SHEET

Form No.

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THE STATE OF WEST BENGAL & ORS.

However, the counsel for the respondent has stated that he has not received any instruction from his client with regard to the prayer of the applicant. Therefore, one last chance is granted to the respondents to file reply since as per the counsel for the respondents, respondents are not coordinate with the counsel.

The Registry is directed to send this order to all the respondents to enable them to file their reply by the next date, otherwise appropriate order will be passed on the basis of available record.

Interim order to continue till the next date.

Let the matter be listed on **17.06.2022**.

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.