

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 637 of 2022

Somnath Maiti -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M.N. Roy,
Mr. G. Halder,
Ld. Advocates.

01
28.09.2022

For the State Respondent : Mr. A. De,
Mr. S. Debroy,
Deptl. Reps.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Affidavit of service filed today be kept on record.

The instant application has been filed basically challenging the final order dated 24.08.2022 (Annexure-D) whereby the Disciplinary Authority has imposed the following punishment :

“Reduction to a lower stage in the time scale of pay by 01(One) stage for a period of 02(Two) years with further direction that the Charged Officer will not earn increment of pay during the period of such reduction and on expiry of such period of reduction , the reduction will not have the effect of postponing the future increments of his pay” in terms of Rule 8(IV) of West Bengal Services (Classification, Control & Appeal) Rules, 1971.”
with further direction that the Charged Officer be debarred from promotion during the period of his undergoing the penalty. Such debarment should not be treated and imposed as a penalty.”

It has been submitted by the counsel for the applicant that the punishment imposed by the Disciplinary Authority is contrary to the judgment dated 10.05.2022 passed by this Tribunal in OA 503 of 2021. Therefore, he has prayed for stay of operation of the impugned final order.

However, the Departmental Representative for the respondent has prayed for time to file reply.

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Case No. **OA-637 of 2022**

Vs.

The State of West Bengal & Ors.

Heard the parties and perused the final order dated 24.08.2022 as well as judgment dated 10.05.2022 passed in OA 503 of 2021. The respondents are directed to file reply by six weeks and rejoinder, if any, by two weeks thereafter.

Since the applicant has a prima facie case on merit, the respondents are directed not to implement the said final order till the disposal of the OA.

Let the matter be placed before the **Registrar Bench** on **30.11.2022** for completion of pleadings.

CSM/SS

URMITA DATTA (SEN)
Officiating Chairperson & Member (J)