

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 656 of 2022

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

Serial No. and
Date of order

07
22.02.2024

For the Applicant : Mr. S. Mondal,
Learned Advocate.
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 regularisation of the period of suspension from 12.03.2008 to 31.12.2017. The prayer also includes revocation of suspension order passed on 13.06.2008 and to treat this period of suspension as spent on duty.

While working as a Cashier in a hospital the applicant was accused of defalcation of government money to the tune of Rs. 16,96,145/- and a criminal case was filed in the Bongaon Police Station on 28.01.2008. Later due to such criminal case, the applicant was suspended from service by the Director of Health Services by an order dated 13.06.2008. Thereafter a Disciplinary Proceedings was initiated against the applicant.

It is a fact that arising out of one Disciplinary Proceedings, the applicant has filed five separate applications in this Tribunal being OA Nos. As OA-426 of 2019, OA-196 of 2018, OA-197 of 2018, OA-656 of 2022 and OA-623 of 2023.

Since by an order of this Tribunal two applications have been considered and disposed of in OA-426 of 2019 and OA-196 of 2018,

ORDER SHEET

Form No.

Kush Kumar Paul

·
Vs.

Case No **OA 656 of 2022**

THE STATE OF WEST BENGAL & OTHERS.

therefore, it would be appropriate if the remaining applications are also considered and disposed of.

Since the charges of defalcation of government money are grave in nature and for this reason the applicant was suspended, it would not be appropriate to set aside the suspension order by this Tribunal. It would rather be fair if the Disciplinary Proceedings first track the entire proceedings and complete the same within a reasonable time. It is of concern that such a suspension order was passed in the year 2008 and since then the Disciplinary Proceedings is still pending.

With this observation the Respondent No. 2 (b), Director of Health Services, W.B. is directed to conclude the Disciplinary Proceedings and pass a final order against the applicant within six months from the date of communication of this order.

Accordingly, the application is disposed of.

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

sc