

ORDER SHEET

**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-68 of 2022**

Maidul Ali Khan -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Mr. G.C. Chakraborty,  
Ld. Advocate.  
For the State Respondent : Mr. G.P. Banerjee,  
Mr. B.P. Roy,  
Ld. Advocates.

35  
31.01.2024

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 23<sup>rd</sup> 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.

Mr. Chakraborty submits that the matter may be placed before a Bench comprising two members (Judicial and Administrative) which is opposed by Mr. Banerjee.

The primary prayer in this application is for setting aside the impugned order dated 05.08.2021 together with another order dated 13.08.2021. The above two impugned orders were issued placing the service of the applicant under suspension. During the suspension period, he was allowed to receive the subsistence allowance. The applicant is an orderly attached to the office of the Divisional Forest Officer, Jhargram Division. It appears from this order that the applicant was placed under suspension on being absent on 04.08.2021, the date when the Principal Chief Conservator of Forests was visiting the Division. The impugned order also refers to his involvement in matters relating to Employees' Association during working hours of office.

Mr. Chakraborty, learned counsel for the applicant submits that such punishment of suspension is not only grossly disproportionate to the charges but also illegal for remaining absent for a day, the applicant was placed under suspension.

Appearing on behalf of the respondent authorities, Mr. Banerjee files a copy of an order no. 71 dated 25.06.2023 and submits that the prayer in this application for setting aside the suspension order has now become infructuous in view of the fact that the respondent authority has passed the final order. A punishment of dismissal from service has been awarded in the final order. Since the applicant has now been dismissed from service after conclusion of the

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disciplinary proceedings, the prayer in this application for revocation of suspension has become infructuous. Mr. Banerjee has also submitted that after passing of the final order, the applicant has preferred an appeal before the Appellate Authority.

The Tribunal is of the view that since the final order has been passed by the Disciplinary Authority, the prayer in this application for setting aside the suspension order has become infructuous.

Therefore, this application is **disposed of** without passing any orders.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**