

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 692 of 2017

Jitendra Nath Mondal -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant	: Mr. B.R. Neogi, Ld. Advocate.
For the State respondent	: Mrs. S. Agarwal, Ld. Advocate.

29
06.11.2024

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

The applicant was issued a notice dated 24.12.2013 requiring him to reply to the Articles of Charge. The Disciplinary Authority intended to initiate disciplinary proceedings against the applicant for his alleged misconduct. The applicant, as directed, submitted his statement of defence before the authorities. The argument presented by Mr. Neogi, learned counsel appearing on behalf of the applicant is that despite lapse of more than 10 years from the date of Articles of Charge was served upon him, the Disciplinary Authority is yet to conclude the proceedings. In response, Mrs. Agarwal submitted that soon after the Articles of Charge was served upon him on 24.12.2013, the applicant approached the Tribunal praying for quashing the impugned memo dated 24.12.2013 without exhausting the remedies available before him. It has also been submitted that he superannuated on 31.07.2014.

From the above submissions and on perusal of the important documents in this application, a few things are clear to this Tribunal :

- (i) A disciplinary proceedings initiated way back in 2013 has not been concluded till date by the Disciplinary Authority.
- (ii) During the pendency of the proceedings, the employee superannuated and he received his provisional pension and other retiral benefits except his Gratuity.

It is not understood by this Tribunal as to why such disciplinary proceedings initiated in 2013 remained inconclusive. There does not appear to be any hindrances or any restrictions imposed by any Court of Law. The Disciplinary Authority was completely free to conclude the proceedings within a reasonable period of time. Such non-conclusion has disadvantaged

ORDER SHEET

Jitendra Nath Mondal

Form No.

Case No. **OA 692 of 2017.**

Vs.

The State of West Bengal & Ors.

the applicant so far his full retiral benefits are concerned. Such financial loss to him undoubtedly is without his fault.

Having heard the submissions of the learned counsels and considering the facts and circumstances of the matter, the Tribunal does not hesitate to pass a direction upon the respondent no. 3, the Additional Principal Chief Conservator of Forests, Human Resource Development to conclude the disciplinary proceedings initiated against the applicant by his memo no. 971 dated 24.12.2013 within the next four months from the date of communication of this order. The applicant may be directed to cooperate with his presence as per rules. The applicant is also directed to extend full co-operation to the Disciplinary Authority.

Accordingly, this application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

SS