

**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 7 OF 2024**

**BISWAJIT CHATTERJEE - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and

Date of order

For the Applicant

:

Mr.Swapan Kumar Nandi

Advocate

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06.02.2024

For the State Respondents

:

Ms.Ruma Sarkar

Mr.Sourav Debray

Mrs.A.Bhattacharjee

(Departmental Representatives)

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 counsel and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed today be kept on record.

The applicant has prayed for setting aside the impugned order dated 05.09.2023. By this order the District Land and Land Reforms Officer, North 24 Paraganas placed the applicant under suspension in terms of Rule 7(3) of the West Bengal Services (Classification, Control & Appeal) Rules, 1971 with effect from 23.08.2023 for being detained in Police custody in a case No. 220 /23 dated 31.07.2023 u/s 419/ 420/ 465/ 467/ 468/ 471 and 120B of I.P.C.

The Tribunal relies on a judgement of the Hon'ble Apex Court in (1994) 4 Supreme Court Cases 126 and finds that this application is not admissible in this Tribunal. The relevant part of the judgement is as under:

*“Suspension is not the punishment but is only one of forbidding or*

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*disabling the employee to discharge the duties of office or post held by him. It is always advisable to allow disciplinary proceedings to continue unhindered. The Tribunal was quite unjustified in interfering with the orders of suspension of the respondent pending inquiry. The Tribunal appears to have proceeded in haste in passing the impugned orders even before the ink is dried on the orders passed by the appointing authority.”*

Since the applicant has been placed under suspension for his involvement in a criminal case, therefore, in view of the judgement of the Hon'ble Apex Court, the Tribunal does not find appropriate to interfere with the disciplinary proceedings initiated by the respondent authorities.

Accordingly, the application is disposed of without passing any orders.

BLR

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