

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 70 of 2020

Smt Jayanti Mukhipadhyay - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. S. Ghosh, Ld. Adv.
For the State Respondent : Mr. G.P. Banerjee, Ld. Adv.

09
26.02.2021

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant application has been filed mainly praying for concluding the departmental proceedings initiated vide Memorandum dated 10.09.2015 (Annexure 'A'). The applicant had participated in the said departmental proceedings. Thereafter he was served with a Second Show Cause dated 31.10.2017 (Annexure 'E') proposing the tentative punishment, which he replied vide letter dated 01.10.2018 (Annexure 'G'). However, till date the said departmental proceeding has not been concluded.

During the course of hearing, the counsel for the applicant referred orders dated 11.12.2020 passed in OA-420 of 2020 as well as Order dated 12.02.2021 passed in OA 31 of 2021 and has prayed for extension of the benefit of the said orders.

Therefore, the counsel for the applicant has submitted that it would suffice his purpose, if the authority would be directed to conclude the departmental proceedings within a stipulated period of time as nearly more than six years have already been lapsed after the issuance of show cause notice.

The counsel for the applicant has also referred the case of Prem Nath Bali Vs. Registrar, High Court of Delhi & Another reported in (2015) 16 SCC 415 has referred the paragraph 28 of the said judgement, which is as follows :-

“Keeping these factors in mind, I am of the considered

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opinion that every employer (whether State or Private) must make sincere endeavour to conclude the departmental enquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within the reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”

The state respondent has prayed for further time to conclude the proceedings.

Heard the parties and perused the records. It is noted that the Show Cause Notice was already issued on 10.09.2015 even Second Show Cause notice was issued on 31.10.2017 against which the applicant had submitted his reply on 21.10.2017 but till date no final decision has been communicated. Therefore, I direct the Respondent No. 2 to conclude the departmental proceedings and to take a final decision by way of passing a speaking and reasoned order as per rules and communicate the same within six months from date of receipt of the order. In default, the proceedings should be vitiated. Accordingly, OA is disposed of. Parties are directed to act on the Web Copy of the order.

Mrs. URMITA DATTA (SEN)
MEMBER (J)

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