

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- 710 of 2018

Tushar Kumar Nath **VERSUS – The State of West Bengal & Ors..**

Serial No. and For the Applicant : Mr. A.K. Niyogi,
Date of order : Learned Advocate.

23 For the State : Mr. G.P. Banerjee,
10.05.2023 Respondents : Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

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, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent to finalise the pension and other pensionary benefits to the applicant. The applicant retired on 31.08.2015 from the post of Deputy Director of Industrial Training under the Department of Technical Education & Training and Skill Development. Since a departmental proceedings was initiated against the applicant, a provisional pension is being paid to the applicant. From the records and submission of the learned counsel, it appears that although, the departmental proceedings against the applicant was initiated on 21.10.2011, however, despite lapse of more than ten years it has not been concluded. In the meantime, the applicant has also superannuated. Since the departmental proceeding has not been concluded, the applicant continues to receive only provisional pension. Therefore, the submission of Mr. Niyogi is that a direction be given to the respondent to conclude the departmental proceedings within a

reasonable period of time.

Submission of Mr. Banerjee is that this application is defective because the prayer does not speak anything about concluding the departmental proceedings although such departmental proceedings is still continuing.

After hearing the submissions of the learned counsels and perusing the records it is the Tribunal's view that for no fault of the applicant, he is receiving only provisional pension. It is the responsibility of the respondent authorities, the disciplinary authority, in particular in this case, that the departmental proceedings started way back in 2011 should have been completed much earlier. In the meantime in 2015, the applicant has superannuated. The progress of the departmental proceedings started in 2011 seems to have taken a long break after issuing the Articles of Charges against the applicant on 21.10.2011. It is clear that since then no progress has been made by the disciplinary authority to complete the departmental proceedings.

In view of the observation above, it is the direction of this Tribunal to the respondent No. 1, Principal Secretary, Technical Education & Training and Skill Development Deptt. to conclude the departmental proceedings which was commenced on 21.10.2011 against the applicant within a period of twelve weeks from the date of this order. After conclusion of the departmental proceedings the final order shall be passed and it should be communicated duly to the charged officer/applicant within two weeks thereof.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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