

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. –OA 717 of 2022**

Chanchal Garai - **VERSUS** - The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Mr. G.P. Banerjee,  
Advocate.

01  
18.11.2022

For the State Respondents : Mr. S. Ghosh,  
Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Affidavit of service has been filed by the applicant. Let it be kept on record.

In the instant application, the applicant has basically challenging the impugned order has prayed for following relief :

*“A mandatory direction do issue upon the concerned respondent authorities to forthwith set aside/can/rescind/quash/withdraw the impugned Report of the Inquiring Authorities dated 05<sup>th</sup> March, 2020, Final Order dated 23<sup>rd</sup> September 2022 of the Disciplinary Authority together with the instant Departmental Proceeding so drawn up against the applicant under Charge-Memo. dated 10<sup>th</sup> April, 2019 being Annexure- ‘A’ and ‘B’ herein and to command them to act strictly in accordance with law;*

*(b) A direction do issue upon the concerned respondent authorities to produce and/or cause to be produced the entire records relating to the applicant’s case and on such production being made, render conscionable justice upon perusing the same;*

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*(c) And/or to pass such other or further Order or Orders as to this Hon'ble Tribunal may deem fit and proper."*

It has been submitted by the counsel for the applicant, that the final order dated 23.09.2022 is liable to be quashed as the order is contrary to the order dated 01.02.2022 passed in OA 505 of 2021. Therefore, the applicant has prayed for stay of impugned final order dated 23.09.2022.

Perused the order dated 23.09.2022, whereby the Disciplinary authority reduce his pay under Rule 8 (iv) as well as there is an order of debarment of promotion. Since, the issue is squarely covered by the order dated 01.02.2022, therefore, let the matter be admitted.

The respondents are directed to file reply within four weeks and rejoinder, if any, within two weeks thereafter.

The respondents are also directed not to implement the final order dated 23.09.2022 till disposal of the order.

Let the matter be listed on 06.01.2023 before the Registrar Bench under the heading "Reply, rejoinder & Objection".

HS

Mrs. URMITA DATTA (SEN)  
Officiating Chairperson & Member (J)