

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-722 of 2021

Dr. Sabyasachi Roy VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. P. .K. Roy, Mrs. J. Rudra Learned Advocates.
<u>05</u> 24.02.2022	For the State Respondent	:	None.

Let the OA be admitted for adjudication since none appeared for the respondents.

The counsel for the applicant has submitted that the suspension order does not disclose any reasons for suspension and was served upon the applicant at 11.20 p.m. by Whats app. on 04.09.2021. However, he had received another communication dated 04.09.2021 at 3.13 p.m. asking the applicant to submit his defence statement by 12.00 noon on 06.09.2021 before the enquiring authority. Therefore, according to the applicant, before granting any opportunity to the applicant with regard to any allegation which is not at all specifically spelt out in the subsequent suspension order, the authority had put him under suspension on the same day i.e. on 04.09.2021 through Whats app. Message, which was forwarded to him at 11.20 p.m. on the same day before the stipulated period of submission of statement of defence.

It has been further submitted by the counsel for the applicant that though the respondents had hurriedly suspended him on 04.09.2021 at 11.20 p.m. through Whats app message, however, till date after a lapse of almost six months, no review has been made with regard to continuation of suspension, no charge sheet has been issued to him though he has been suspended in contemplation of the disciplinary proceeding under Rule 7(1)(b) of WBS (CCA) Rules, 1971. Even earlier the subsistence allowance has also not been paid but by the intervention of the Court, the respondents have released subsistence allowance, however, from this month again, they have

ORDER SHEET

Form No.

Dr. Sabyasachi Roy

Case No. **OA-722 of 2021**

Vs.

The State of West Bengal & Ors.

stopped the subsistence allowance which would be evident from the order dated 18.01.2022.

The counsel for the applicant has prayed for leave to file one supplementary affidavit to bring on record certain records for proper adjudication of the case. Prayer is allowed.

In support of the aforesaid contention, the counsel for the applicant has referred the following judgements :-

(2013) 16 SCC 147.

(1994) 4 SCC 126

(1993) 3 SCC 259

(1993) 1 SCC 78

Since none appeared for the respondent, one last opportunity is granted to the respondents to make appropriate submission by way of filing a short reply by two weeks. Let the matter be listed under Hearing on **10.03.2022**.

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

URMITA DATTA (SEN)
MEMBER (J)

sc

ORDER SHEET

Form No.

Dr. Sabyasachi Roy

Case No. OA-722 of 2021

Vs.

The State of West Bengal & Ors.

WEST BENGAL ADMINISTRATIVE TRIBUNAL

SC

ORDER SHEET

Form No.

Dr. Sabyasachi Roy

Case No. OA-722 of 2021

Vs.

The State of West Bengal & Ors.

sc

WEST BENGAL ADMINISTRATIVE TRIBUNAL