

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 73 OF 2024**

AYAN GHOSH - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Manujendra Narayan Roy Mr. Gourav Haldar Advocates
<u>01</u> 18.03.2024	For the State Respondents	:	Mr.Soumendra Narayan Ray Advocate

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 for the contesting parties, the case is taken up for consideration sitting singly.

Mr.S.N.Ray, learned counsel submits that in terms of the direction of this Tribunal, the respondent authority with the intention to conclude the disciplinary proceedings have referred the matter to Public Service Commission for its advice. Counsel for the State respondents submits that such reference was made to the Commission within the stipulated time and as required by the relevant rule.

Let copy of such correspondence as submitted by Mr.S.N.Ray be filed on the next date.

Mr.M.N.Roy, learned counsel for the applicant after hearing the submission of Mr.S.N.Ray, however, objects that the direction of this Tribunal in OA-477 of 2023 dated 25.07.2023 was an unambiguous direction to the respondent authorities to conclude the disciplinary proceedings within the next six months from the date of the order. Since the respondent authority has failed to conclude within the stipulated time, therefore, the entire disciplinary proceedings should be considered as vitiated and null and void.

ORDER SHEET

Form No.

AYAN GHOSH

Vs.

Case No. : **OA 73 OF 2024**

THE STATE OF WEST BENGAL & ORS.

Let the matter appear under the heading "For Orders" on 2nd May,
2024.

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

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WEST BENGAL ADMINISTRATIVE TRIBUNAL