

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- 740 of 2014

Sujit Kumar Purkayast VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order For the Applicant : Mr. Guddu Singh,
Learned Advocate.

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15.06.2023 For the State Respondents : Mr. S.K. Mondal,
Learned 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 sitting singly.

The applicant retired as a Group-D employee on superannuation w.e.f. 31.03.2012. It appears from the records that while in service the applicant was suspended for his involvement in an incidence which occurred in the year 2006. Thereafter a charge sheet was issued upon the applicant which was set aside by an order dated 17.06.2009 of this Tribunal and the suspension was later revoked by an order of this Tribunal in the year 2010.

However, the respondent issued a fresh set of charge sheet against the applicant on 10.05.2011. Challenging this new charge sheet the applicant approached the Tribunal; however, the application was dismissed on merit without any order in favour of the applicant in the year 2012. This dismissal order was challenged by the applicant in the Hon'ble High Court which was also dismissed on merit in the year 2013. Aggrieved by such order of the Hon'ble High Court, the applicant sought remedy in the Hon'ble Apex Court. The Apex Court finally passed an order appearing at page 30 in SLP No. 19251/2013 dated 08.08.2013. The relevant portion of the order is as under :-

1. "Without entering into the controversy raised

herein, we dispose of this petition with the following directions :-

2. The respondent-Authority may issue a show cause notice to the present petitioner in respect of the proposed initiation of disciplinary proceedings against him on particular charges and ask him to submit a reply to the same within a stipulated period.
3. The petitioner shall submit the reply to the said show cause notice within a stipulated period; and
4. The authority shall consider the reply submitted by the petitioner and pass appropriate order and proceed in accordance with law.

Mr. Mondal submits that in compliance to the Apex Court order they have issued show cause notice on 21.05.2014 to the applicant. Let a copy of Show Cause and Reply by applicant be filed before the Tribunal on the next date.

Let the matter appear under further hearing on **14.12.2023**.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)