

**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 750 OF 2021**

**SOUREN DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

07  
07.02.2023

For the Applicant : Mr. Goutam Pathak Banerjee  
Mr. S. Chatterjee  
Advocates

For the State respondents : Mr. Sankha Ghosh  
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 23<sup>rd</sup> 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.

In this application, the applicant has challenged the right of the respondent, his employer to impose penalty or punishment under Rule 10 of WB Services (DCRB) Rules, 1971.

In my opinion, the matter needs to be heard by a Bench comprising two Members (Judicial and Administrative) since various points of law are involved to adjudicate in this matter. This view is agreed by the learned counsels for the parties. However, at this stage, Mr. G.P.Banerjee, learned counsel for the applicant prays for a direction to the respondent to release his Gratuity and Provident Fund which are not covered under the punishment being given as per the rules.

Mr.S.Ghosh, learned counsel for the respondent submits, upon completion all the formalities like filling up the relevant forms by the applicant, these will be released to the applicant. If the formalities of applying Gratuity and

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Provident Fund are completed by the applicant before the respondent, the same should be disposed of within three months from the date of submission.

Let the matter appear before a Bench comprising two Members (Judicial and Administrative) on 23<sup>rd</sup> June, 2023 under the heading "Admission Hearing".

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

BLR