

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-761 of 2021

Amiya Krishna Kar **VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	:	Mr. M. N. Roy, Mr. G. Halder, Learned Advocates.
<u>04</u> 13.05.2022	For the State Respondents	:	Mr. S. Ghosh, Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

On consent of both the parties, matter has been taken up.

The instant application has been filed challenging the Final Order as well as Appellate Order on the ground that the Charged Memo has not been served upon the applicant before passing any Final Order as well as Appellate Order. It has been further submitted that he has taken this plea before the Appellate Authority also.

The counsel for the respondent on instruction, today, has admitted that no Charged Memo was issued to the applicant before passing Final Order and/or Appellate Order. However, the counsel for the respondent has submitted that till date they have not implemented the final order and the Appellate Order.

Heard the parties.

As the Respondents themselves admitted that they have not served the Charged Memo before passing any Final Order, therefore, Final Order dated 11.07.2017 and Appellate Order 05.02.2021, if any, vitiates on the ground of violation of natural justice. Therefore, I quash and set aside both the orders. Accordingly, OA is disposed of with no

ORDER SHEET

Form No.

Amiya Krishna Kar

Vs.

Case No. **OA-761 of 2021**

The State of West Bengal & Ors.

order as to costs. However, the respondents would be at liberty to take appropriate steps, if any, as per Rules and settled principle of Law.

URMITA DATTA (SEN)
MEMBER (J)

sc

WEST BENGAL ADMINISTRATIVE TRIBUNAL