

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 789 of 2022

Barun Kumar Roy. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. M. N. Roy, Mr. G. Haldar, Advocates.
<u>06</u> 28.06.2023.	For the State Respondents	: Ms. R. Sarkar, Mr. S. Debray, Mrs. A. Bhattacharya, Mr. R. Bag, Departmental Representatives.

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.

The prayer in this application is for setting aside the findings of the enquiry report and the second show cause notice issued upon the applicant vide Memo. No. 2421-A&P/4A-03/2020 dated 30.08.2022. At the very outset, Ms. R. Sarkar, learned Departmental Representative refers to an order no. 3240-A&P/4A-03/20 dated 29.11.2022 and submits that the same show cause notice issued to the applicant has now been withdrawn. Therefore, in view of the withdrawal of the second show cause notice, her submission is that this application has become infructuous.

Responding to this, Mr. M. N. Roy, learned advocate appearing on behalf of the applicant submits that, although the second show cause notice has been withdrawn by the respondents, however, the applicant has been harassed unnecessarily and deserves a cost.

In view of the fact that the second show cause notice as prayed for by the applicant, has been withdrawn, this application has become infructuous and thus, disposed of.

S.M./C.S.M

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

WEST BENGAL ADMINISTRATIVE TRIBUNAL