

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 790 of 2023

Bhupen Barman -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. D.K. Maity, Mr. U.K. Kamila, Ms. M. Ghosh Dey, Ld. Advocates.
<u>01</u> 15.01.2024	For the State respondent	: Mr. G.P. Banerjee, Ld. 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.

Affidavit of service filed be kept on record.

The applicant has prayed for a direction to the Appellate Authority to consider his appeal against the order passed by the Disciplinary Authority on 21.09.2023. The applicant has submitted his appeal before the Appellate Authority on 19.10.2023. The second prayer is for setting aside the impugned order passed by the Disciplinary Authority on 21.09.2023. By passing this impugned order, the Disciplinary Authority being the Director, DDPS removed the applicant from service with effect from 21.09.2023. Mr. Maity, learned counsel for the applicant presses for prayer 10(a) which is a direction to the Appellate Authority to consider his appeal against the order of punishment. As for prayer (b) setting aside the impugned order, the Tribunal is of the view that since the appeal is pending, no direction can be passed on the impugned order.

Having heard the submissions and considering the facts of this matter, this application is disposed of by directing the Appellate Authority being respondent no. 2, Secretary, Department of Food & Supplies to consider and dispose of the appeal against the order passed by Director, DDPS on 21.09.2023 within a reasonable period of time, preferably within three (03) months from the date of communication of this order.

Accordingly, the application is **disposed of**.

HS/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)