

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-835 of 2021

Nupur Das Mitra VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Pratik Majumder,
Learned Advocates.

For the State : Mrs. Sunita Agarwal,
Respondents Learned Advocate.

02
17.03.2022

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.

With the consent of both the parties, matter has been taken up for hearing.

The instant application has been filed basically challenging the continuation of the departmental proceeding, which was initiated on 27.07.2016. Thereafter the applicant had filed his reply to the Show Cause and in the meantime, she retired on 31.05.2017. Thereafter, the enquiry proceedings were going on and the applicant though participated in the proceeding; the enquiry report was submitted on 26.10.2021. However, the applicant has challenged the continuation of that proceeding on the ground that after being retired as well as there is no pecuniary loss, the departmental proceeding cannot continue.

In support of his contention, he has referred one Judgement reported in 2010 (3) (CHN) Calcutta-871.

However, the counsel for the respondent has raised preliminary objection on the ground that the application is hopelessly barred by limitation as the applicant retired in the year 2017 and participated in the said proceedings and challenge this in 2021. However, she has prayed for one accommodation to take instruction with regard to interim relief. Prayer is allowed. Let the matter be listed on **05.04.2022** for admission hearing.

Since the circumstances beyond control, the Registry is unable to

ORDER SHEET

Form No.

Nupur Das Mitra

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furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

URMITA DATTA (SEN)
MEMBER (J)

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