

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

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

**Case No. – OA-875 of 2021**

**Paresh Chandra Bera **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>03</u> 15.03.2022	For the State Respondents	:	Mrs. S. Agarwal, Learned Advocate.
	For the Pr. A.G.W.B.		Mr. B. Mitra.

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

Today, the counsel for the applicant has drawn my attention to the order dated 23.12.2021, whereby as per the prayer of the counsel for the respondent, time was granted to take instruction and to file a short reply with regard to interim protection and the matter was fixed for admission hearing on 31.01.2022. However, today, the counsel for the respondent has fairly submitted that due to non availability of any instruction, she could not file reply. Though the liberty was granted by this Tribunal in earlier occasion for supplying the Second Show Cause Notice and Enquiry Report as per rule vide order dated 30.08.2018. In the meantime, the applicant retired on 31.05.2020 and after his retirement the Second Show Cause Notice was issued to the applicant on 08.10.2021 i.e. more than three years from the date of judgement (30.08.2018). Therefore, the counsel for the applicant has prayed for interim protection.

The counsel for the respondent has fairly submitted that due to non availability of instruction, she could not file short reply, however she has objected for granting of any interim protection.

The departmental representative of the A.G.W.B. has, however, submitted that provisional pension has been granted to the applicant vide order dated 30.08.2018.

It is noted that vide order dated 30.08.2018, though we had quashed the earlier final order on the ground of violation of natural justice

**ORDER SHEET**

Form No.

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for not supplying the Second Show Cause Notice as well as Enquiry Report, however, liberty granted to the respondents to take action as per rule as well law. However, after a lapse of more than three years, the respondent have supplied the Enquiry Report and Second Show Cause Notice vide Memo dated 08.02.2021. It is further noted that in earlier occasions, though the respondents were granted time to make appropriate submission and to file a short reply with regard to interim protection but till date even they do not instruct the counsel to make appropriate submission.

In view of the above, the respondents are granted last chance to file short reply/reply on interim protection. **In the interim, the respondents are directed not to take any action on the impugned order dated 08.10.2021 till the next date.**

Let the matter be listed on **26.04.2022** for further hearing.

Since the circumstances beyond control, the Registry is unable to 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.

sc

URMITA DATTA (SEN)  
MEMBER (J)