

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA-39 of 2018(OA – 225 of 2018)****Biswa Ranjan Ghosh –Vs- The State of West Bengal & Others.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>2</u> 04.07.2018</p>	<p><i>For the Applicant : Mr. B.R. Neogi, Mr. A.K. Das Sinha, Learned Advocates.</i></p> <p><i>For the Respondents : Mr. G.P. Banerjee, Mr. B.P. Roy, Learned Advocates.</i></p> <p><i>The instant application has been filed mainly praying for an appropriate order by way of restraining the authority to implement the final order dated 06.02.2015 which was directed by the order dated 13.12.2017. During the course of the hearing, the counsel for the applicant has submitted that he has challenged the final order dated 06.02.2015. Therefore the subsequent order dated 06.02.2015 by which the Director of ICDS, West Bengal has asked the District Programme Officer, ICDS Cooch Behar to submit the present status regarding implementation of order dated 06.02.2015. Therefore, the applicant is in apprehension that though the respondents have not filed any reply in the Original Application they may implement the said order and in that case the whole OA would be frustrated. Therefore, the counsel for the applicant has prayed for interim protection by way of restraining the respondent to implement the order till the final disposal of the O.A.</i></p>	

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	<p><i>However, the counsel for the respondent has accepted that the contention of the order has not yet been implemented so far. However, he has objected on granting of any protection.</i></p> <p><i>Heard both the parties and perused the records. It is noted that the applicant has challenged the disciplinary authority's order dated 06.02.2015 in the instant O.A. The said O.A. was admitted on 21.09.2015 and till date no reply has been filed. As per Section 19(4) of the Administrative Tribunal Act, 1985, where an application has been admitted by the Tribunal for adjudication, every proceedings under the relevant service rules pending immediately before such appointment shall abate. As the Original Application has already been admitted and the applicant has challenged the final order, therefore during the pendency of the Original Application, the respondent should not implement the final order till the disposal of the Original Application. Accordingly, we grant last chance to the respondents to file reply by two weeks and rejoinder, if any, by two weeks thereafter. In the interim, respondents are directed not to take any action with regard to final order till the disposal of the Original Application.</i></p>	

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A.K.P.	<p><i>Accordingly, the M.A. is disposed of.</i></p> <p><i>Let the O.A. be listed on 05.09.2018.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	