

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Urmita Datta (Sen) Member (J) & OA-320 of 2018  
 Hon'ble P. Ramesh Kumar, Member (A)

**Dr. Sarbari Swaika 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><u>02</u> 06.07.2018</p>	<p>For the applicant : Mr. Goutam Pathak Banerjee, Learned Advocate.</p> <p>For the respondent : None.</p> <p>The instant application has been basically filed challenging the charge sheet dated 04.07.2013, however, according to the applicant though she has regularly participated in the disciplinary proceeding but till date no final order has been passed. The counsel for the applicant has further submitted though the application has been filed on 08.05.2018 and served upon the respondents on 15.05.2018 but none has appeared on the earlier occasion also on 27.06.2018. However, in the interim, the enquiring authority vide their communication dated 11.6.2018, asked the applicant to appear on 29.06.2018 at 2.00 p.m. for appearance. However, according to the applicant and from the perusal of the letter dated 23.05.2017 issued the Joint Secretary, State Vigilance Commission, West Bengal addressed to the Principal Secretary, Govt. of West Bengal, Health &amp; Family Welfare Deptt., it would transpires that they have already exonerated the applicant from the charges on the basis of enquiry report</p>	

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<p style="text-align: center;">02 06.07.2018</p> <p>sc</p>	<p>and other relevant documents. But thereafter also instead of passing any final order, they are asking the applicant to appear again before the enquiring authority. Therefore, the counsel for the applicant has prayed for some interim protection since in one way the respondents are not appearing and in the other way they are calling the applicant for appearance before the enquiring authority who has already submitted his report to the disciplinary authority.</p> <p style="text-align: center;">Heard the counsel for the applicant. It is noted that affidavit of service has already been filed serving the copy of the petition to the respondents, which has received by them, even then in two consecutive days none appeared for the state respondents.</p> <p style="text-align: center;">In view of the above, the respondents are directed to appear and make appropriate submission. <b>In the interim, Status Quo should be maintained for 14 days. Let the matter be listed on 17.07.2018 for further order.</b> Plain copy.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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