

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Mrs. Urmita Datta (Sen), Member(J)****The Hon'ble Mr. P. Ramesh Kumar, Member(A)****Case No – OA- -92 OF 2019.****Raham Ali Khan. 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>02</p> <hr/> <p>13/02/2019</p>	<p>For the Applicant : Mr. M.N. Roy, Mr. S. Ghosh, Mr. B. Nandi, Learned Advocates.</p> <p>For the State Respondents: None.</p> <p><i>The instant application has been filed challenging the charge sheet dated 23.01.2019 whereby the applicant was charge sheeted on the self-same cause of action for which he was put under suspension and one criminal case was filed against him. Subsequently, in the said criminal case the applicant was acquitted by the order dated 26.04.2013. However, his suspension was confirmed by the authority and being aggrieved with, the applicant has approached this Tribunal in OA 146 of 2014. Subsequently, the Tribunal vide judgement dated 26.07.2018 had quashed and set aside the impugned order dated 16.01.2014 and directed the respondent authorities to release all consequential benefits for the said period.</i></p> <p><i>As per the counsel for the applicant, in the said judgement, the Tribunal had specifically observed that though he was put under suspension for involvement in a criminal case but no disciplinary proceeding was</i></p>	

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Raham Ali Khan.

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GM	<p><i>drawn up against him till the date of pronouncement of the judgement by this Tribunal. Therefore, the charge sheet is not tenable on the self-same cause of action, as the applicant has already been acquitted from same charges and this Tribunal has also held that the suspension is illegal. Therefore, the counsel for the applicant has prayed for interim protection by way stay of operation of the charge sheet dated 23.01.2018.</i></p> <p><i>Affidavit of service filed be kept on record. However, none appears for the respondents.</i></p> <p><i>Heard the counsel for the applicant and perused the records. As there is prima facie case in favour of the applicant, we direct the respondents to take instruction and make appropriate submission by the next date. <u>Further the respondents are directed to maintain status quo with regard to the operation of the impugned charge sheet till the next date.</u> The applicant is directed to serve notice to the respondents along with copy of the order. Let the matter be fixed on 06.03.2019.</i></p> <p><i>Urgent Plain Copy</i></p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	