

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

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

& The Hon'ble Dr. Subesh Kumar Das, Member (A)

Case No OA - 258 of 2020

Tanmoy Choudhury –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> 04.09.2020</p>	<p><i>For the Applicant : Mr. M.N. Roy, Advocate.</i></p> <p><i>For the Respondents : Mr. G.P. Banerjee, Advocate.</i></p> <p><i>The instant application has been filed praying for following relief:</i></p> <p><i>“(a) An order do issue directing the respondent authorities to conclude the Disciplinary Proceeding so initiated against the applicant vide Memorandum No. 4468/1E-24 (P)/TC/Confidential Dated Kolkata, 20.11.2019 by passing the final order in accordance with law.</i></p> <p><i>(b) An order do issue directing the respondent authorities to conclude the Disciplinary Proceeding by passing the final order in accordance with law within a stipulated time as this Hon'ble Tribunal may deem fit and proper in the ends of Justice.</i></p> <p><i>(c) A further order do issue directing the respondent authorities to transmit records pertaining to the instant case so that</i></p>	

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	<p><i>conscionably justice can be done.</i></p> <p><i>(d) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicant and in the ends of justice."</i></p> <p><i>During the course of the hearing, the counsel for the applicant has drawn our attention and has submitted that he was charge sheeted vide order dated 20.11.2019 (Annexure 'A'). Subsequently, disciplinary authority also had appointed enquiry officer and presenting officer and the applicant filed written statement on 13.12.2019. But according to the applicant, till date, no step has been taken for conclusion of proceedings. Thereafter, the applicant was called for hearing before the enquiry authority on 06.01.2020, where he appeared before the authority on 13.01.2020. However, thereafter no next date was fixed as per the applicant. The counsel for the applicant has drawn out attention to the judgement in the case of Prem Nath Bali -Vs- Registrar, High Court of Delhi and Another reported in "(2015) 16 SCC 415", wherein it states inter alia:</i></p> <p><i>"keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must</i></p>	

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	<p><i>make sincere endeavour to conclude the departmental enquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time-frame then efforts should be made to conclude within the reasonably extended period depending upon the cause and the nature of enquiry but not more than a year."</i></p> <p><i>The counsel for the applicant has submitted that in view of the aforesaid observation of the Hon'ble Apex Court, disciplinary authority be directed to conclude the disciplinary proceedings within a stipulated period of time.</i></p> <p><i>The counsel for the respondent, however, has submitted that due to pandemic situation, it was not practically possible to conclude the disciplinary proceedings during last six months.</i></p>	

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A.K.P.	<p><i>However, the counsel for the applicant, during the course of the hearing, has submitted that it would suffice his purpose if the authority would be directed to complete the proceedings within a stipulated period of time preferably within six months and he is ready to cooperate with the authority.</i></p> <p><i>In view of the above, as the applicant has already submitted his written statement and Presiding officer and Inquiry officer had already been appointed, the respondents are directed to conclude disciplinary proceedings and communicate the same by a reasoned and speaking order within a period of six months from the receipt of the order. The applicant is also directed to cooperate with the authority and not to ask for unnecessary adjournment etc. Accordingly, the O.A. is disposed of with no order as to cost.</i></p> <p><i>The authorities are directed to act on the basis of the internet copy of the order.</i></p> <p>SUBESH KUMAR DAS MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	