

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

The Hon'ble Urmita Datta (Sen) Member (J) &
Hon'ble P. Ramesh Kumar, Member (A)

OA-1281 OF 2013

Swapan Kumar Saha

Vs

The State of West Bengal & Ors.

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>15</u> 13.12.2018</p>	<p>For the applicant : Mr. M.N. ROY, Learned Advocate.</p> <p>For the respondent : Mr. S. N. Roy Learned Advocate.</p> <p>The instant application has been filed mainly challenging the appellate authority's order dated 10.08.2012.</p> <p>During the course of hearing, the counsel for the applicant has submitted that the applicant was punished by the disciplinary authority vide order dated 17.04.2012 whereby he has been punished with forfeiture of consecutive two years increment having future effect. Being aggrieved with the punishment, the applicant has preferred one appeal before the appellate authority. However, the appellate authority without granting him any opportunity by way of issuing any show cause notice has enhanced the punishment by way of forfeiture of annual increment for consecutive five years without future effect. According to the applicant, this is clear instance of violation of natural justice as he has not got any opportunity to make proper submission with regard to such enhanced punishment.</p>	

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<p style="text-align: center;">15 13.12.2018</p> <p>Page /2</p>	<p>Therefore, counsel for the applicant has prayed for quashing of the appellate order dated 10.08.2012 only.</p> <p>However, the counsel for the respondent has submitted that there is no such provision in the rule to grant him any opportunity under Rule 884 of PRB part- I. However, the counsel for the applicant has submitted that as per Regulation 884 of PRB, there is specific provision of opportunity before the proposed enhanced punishment.</p> <p>In support of the contention the applicant has prayed for quashing of the order.</p> <p>Heard the parties and perused the record. It is noted that during the course of hearing, counsel for the applicant has already prayed for quashing of appellate authority's order since it is a clear case of violation of natural justice as per the applicant.</p> <p>In view of the above, as the applicant is not present, we quash and set aside the appellate order</p>	

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<p style="text-align: center;">15</p> <hr/> <p style="text-align: center;">13.12.2018</p> <p style="text-align: center;">sc</p>	<p>dated 10.08.2012 and remand back the matter to the appellate authority with a direction to grant the applicant appropriate opportunity and to pass an appropriate order and communicate the same to the applicant within a period of eight weeks from the date of receipt of the order. With the above observation and direction the application is disposed of.</p> <p style="text-align: center;">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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<p style="text-align: center;">10</p> <hr/> <p>14.09.2018</p> <p style="text-align: center;">sc</p>		

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