

**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-195 of 2018.****Suresh Chandra Balmiki. 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;">02</p> <hr/> <p>08/08/2018</p>	<p>For the Applicant : Ms. Sumouli Sarkar, Advocate.</p> <p>For the State Respondents: Mr. Ruhul Amin Chowdhury, Advocate.</p> <p>Affidavit of service filed be kept on record. The instant application has been filed challenging the impugned order dated 08.12.2017, whereby the disciplinary authority has ordered for withholding of one year increment. According to the applicant, he was served with charge sheet dated 30.03.2016 alleging of moral turpitude and in the said charge sheet though there is a mention of list of witnesses, but, no such list of witnesses were annexed in the said charge sheet. However, it has been submitted that though enquiry was conducted but, no copy of the minutes of the enquiry was served. Neither the complainant was examined nor cross examined. Further, in the final order it has been stated that for want of sufficient tenable documents, the charge of sexual harassment is yet to be substantiated. However, he was found to be guilty as per the disciplinary authority. Therefore, she has prayed for stay of operation of the impugned order. The counsel for the respondent, however, has submitted that the instant application has been filed without availing the alternative remedy by way of filing</p>	

**ORDER SHEET**

SURESH CHANDRA BALMIKI.

Form No. ....

**Vs.****The State of West Bengal & Others.**Case No. **OA-195 of 2018**

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GM	<p>any appeal before the Appellate Authority. Moreover, as per the order, the annual increment has been withheld for one year and since the order was passed on 08.12.2017 and as well as the date of increment is due from month of July, 2018, therefore, it has already taken into effect. Accordingly, the counsel for the respondent has objected for grant of any stay of operation of the impugned order.</p> <p>Heard the parties and perused the records. It is noted that by the final order, the disciplinary authority had directed to withhold only one increment of the applicant for one year. Since the order was passed on 08.12.17 and increment was due in July 2018. Therefore, no purpose will be served to stay the operation of the impugned order at this stage since it has already been taken effect. In view of the above we decline to grant any stay of operation of impugned order at this stage. However, the respondents are directed to file reply by four (04) weeks positively, rejoinder, if any, two (02) weeks thereafter. Let the matter be listed on <b>11.10.2018</b>.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	