

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

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

OA-296 of 2015

Kailash Chandra Roy 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>16</u> 14.08.2018</p>	<p>For the applicant : Mrs. Sukiran Biswas, Learned Advocate.</p> <p>For the respondent : Mr. Sankha Ghosh, Learned Advocate.</p> <p>The instant application has been filed praying for following relief :-</p> <p>“10. a) A direction do issue upon the respondent Nos. 2 & 4 not to proceed further in the Departmental proceeding No. 2 of 2013 dated 18.03.2013 initiated by D.O. No. 407 dated 18.03.2013 issued by the Special Superintendent of Police, Criminal Investigation Department (C.I.D.) , West Bengal, the Respondent No. 2, of this application being Annexure-A to this application now pending before the Deputy Commissioner for departmental enquiries, I.A. State Vigilance</p>	

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<p style="text-align: center;">16</p> <hr/> <p>14.08.2018</p>	<p>Commission, West Bengal, Respondent No. 4 till the disposal of the Criminal Trial under the provisions of sections 13 (2) read with Section 13 (1) (e) of the Prevention of Corruption Act, 1988 in Siliguri P.S. Case No. 277/2013 dated 18.03.2013 being special case No. 01 of 2014 pending before the Learned Judge, Special Court, 1st Court at Darjeeling where charge sheet dated 13.09.2013 has already been submitted being Annexure "G" to the Application.</p> <p>b) A direction do issue upon the Respondent No. 2 & 4 to consider the application of the applicant for engaging lawyer to conduct the departmental proceeding no. 2 of 2013 dated 18.03.2013 issued by the</p>	

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<p style="text-align: center;">16</p> <hr/> <p>14.08.2018</p> <p style="text-align: right;">P/4</p>	<p>applicant has been acquitted from the charges. Therefore, she does not want to press prayer (a) at this stage. However, she wants to press prayer (b) and has submitted that vide letter dated 25.06.2014 & 02.07.2014 (Annexure-E), the applicant has prayed for allowing him to engage lawyer/retired police officer to defend his case in the disciplinary proceeding. The counsel for the applicant, therefore, has further submitted that disciplinary proceeding may be continue. However, since till date his representation has not been considered by the authority and he has been srved with a major penalty of charge sheet subsequently under Prevention of Corruption Act. Therefore, being a constable, he is not able to place his case before the authority properly. Thus, he needs some assistance or defence helper from the departmental people and the OA may be disposed of accordingly.</p> <p style="text-align: center;">The counsel for the respondent has submitted that if the criminal proceedings have already been disposed of, therefore, the</p>	

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