# ORDER SHEET WEST BENGAL ADMINISTRATIVE TRIBUNAL

### Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) & The Hon'ble Dr. Subesh Kumar Das, Member (A).

### OA -406 of 2020

| <b>Biswanath Das</b> Vs | The State of West Bengal & Ors |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

| Biswanath Das Vs The State of West Bengal & Ors |  |                           |
|---|--|---------------------------|
| Serial No.                                      | Order of the Tribunal with signature                         | Office action with date   |
| and   | 2  | and dated signature       |
| Date of order.                                  |  | of parties when necessary |
| 1   |  | 3                         |
| _   | For the petitioner : Mr. G. P. Banerjee,                     |                           |
| 03  | Learned Advocate.  |                           |
| 22.12.2020                                      | Learned Advocate.  |                           |
|   | For the respondent : None.                                   |                           |
|   | To the respondent . Hone.                                    |                           |
|   |  |                           |
|   | Affidavit of service has been filed. Let it be               |                           |
|   | Amadri of service has been filed. Let it be                  |                           |
|   | kept with the record.  |                           |
|   |  |                           |
|   |  |                           |
|   | The instant application has been filed                       |                           |
|   | mainly praying for conclusion of the departmental            |                           |
|   | proceedings initiated vide Memo dated 16.08.2012. As         |                           |
|   | per the applicant, he had participated in the proceedings    |                           |
|   | and filed his reply to the Second Show Cause Notice          |                           |
|   | dated 07.06.2018 before the authority on 12.07.2018 but      |                           |
|   | till date no final order has been received by the applicant. |                           |
|   | In the meantime, he retired on 31.12.2015. Therefore,        |                           |
|   | the counsel for the applicant has submitted that it would    |                           |
|   | suffice his purpose, if the authority would be directed to   |                           |
|   | conclude the departmental proceedings within a               |                           |
|   | stipulated period of time as eight years has already been    |                           |
|   | lapsed after the issuance of show cause notice.              |                           |
|   | The counsel for the applicant has also referred              |                           |
| Page /1   | the case of Prem Nath Bali Vs. Registrar, High Court of      |                           |

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| 03                            | Delhi & Another reported in (2015) 16 SCC 415 has          |   |
| 22.12.2020                    | referred the paragraph 28 of the said judgement, which is  |   |
|                               | as follows :-  |   |
|                               | "Keeping these factors in mind, we are                     |   |
|                               | of the considered opinion that every employer (whether     |   |
|                               | State or Private) must 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 inquiry but not more than a year."               |   |
|                               |  |   |
|                               | Heard the parties and perused the records.                 |   |
|                               | It is noted that charge sheet was issued long back on      |   |
|                               | 16.08.2012, even the second show cause notice was          |   |
|                               | already issued on 07.06.2018 against which the applicant   |   |
| Page /2                       | has submitted his reply on 12.07.2018, Therefore, we       |   |
| 1 agc / 2                     | direct the Respondent No. 2 to conclude the                |   |

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| Serial No. and<br>Date of order.<br>1 | Order of the Tribunal with signature<br>2                 | Office action with date and dated signature of parties when necessary 3 |
| 03                                    | departmental proceedings within a period of six months    |   |
| 22.12.2020                            | and to take a final decision by way of passing a speaking |   |
|                                       | and reasoned order as per rules and communicate the       |   |
|                                       | same from date of receipt of the order. In default, the   |   |
|                                       | proceedings should be vitiated. Accordingly, OA is        |   |
|                                       | disposed of. Parties are directed to act on the Web Copy  |   |
|                                       | of the order.   |   |
|                                       |   |   |
|                                       | SUBESH KUMAR DAS URMITA DATTA (SEN) MEMBER (A) MEMBER (J) |   |
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