

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

Biswanath Das 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
<u>03</u> 22.12.2020	<p>For the petitioner : Mr. G. P. Banerjee, Learned Advocate.</p> <p>For the respondent : None.</p> <p style="text-align: center;">Affidavit of service has been filed. Let it be kept with the record.</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">The counsel for the applicant has also referred the case of Prem Nath Bali Vs. Registrar, High Court of</p>	

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<p>03 22.12.2020</p> <p>Page /2</p>	<p>Delhi & Another reported in (2015) 16 SCC 415 has referred the paragraph 28 of the said judgement, which is as follows :-</p> <p style="text-align: center;">“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.”</p> <p style="text-align: center;">Heard the parties and perused the records.</p> <p>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 has submitted his reply on 12.07.2018, Therefore, we direct the Respondent No. 2 to conclude the</p>	

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