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 -420 of 2020

Shubhendu Bhattacharya Vs The State of West Bengal & Ors.

	Shubhendu Bhattacharya <u>Vs The State of West B</u>	beligal & Ols
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02	For the petitioner : Mr. M.N. Roy,	
11.12.2020	Mr. G. Halder,	
	Learned Advocates.	
	For the respondent : Mr. A. De	
	Mr. A. Dutta	
	Departmental Representatives.	
	For the P.S.C., W.B. : Mr. S. Bhattacharjee,	
	Learned Advocate.	
	Affidavit of service has been filed. Let it	
	he kept with the record	
	be kept with the record.	
	The instant application has been filed	
	mainly praying for conclusion of the departmental	
	proceedings vide Memo dated 02.04.2018. As per the	
	applicant, he had participated and filed his reply to the	
	second show cause notice dated 07.01.2019 before the	
	authority but till date no final order has been received by	
	the applicant. 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	
Page /1	time as nearly three years has already been lapsed after	

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02	the issuance of show cause notice.	
11.12.2020	The counsel for the applicant has also referred	
	the case of Prem Nath Bali Vs. Registrar, High Court of	
	Delhi & Another reported in (2015) 16 SCC 415 has	
	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."	
	The Departmental representatives for the	
	respondents has placed one communication dated	
	25.10.2019 issued by the P.S.C., W.B. and has submitted	
Page /2	that they have to take steps accordingly.	

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	Heard the parties and perused the records.	
02	It is noted that the second show cause notice was already	
11.12.2020	issued on 07.01.2019 against which the applicant has	
	submitted his reply on 18.02.2019, which was received by	
	the Department on 19.02.2019. However, the P.S.C. had	
	asked for certain documents on 25.10.2019 but no action	
	was taken by the Respondents. Therefore, we direct the	
	Respondent No. 2 to conclude the departmental	
	proceedings within a period of six months 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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