

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 -485 of 2020

Shubhendu Bhattacharya 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 style="text-align: center;">02 22.12.2020</p>	<p>For the petitioner : Mr. M.N. Roy, Mr. G. Halder, Learned Advocates.</p> <p>For the respondent : Mr. A. De, Mrs. R. Sarkar, Departmental Representatives.</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 06.03.2019. As per the applicant, he had participated and filed his reply to the second show cause notice dated 17.12.2019 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 time as sufficient time 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</p>	

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<p>02 22.12.2020</p>	<p>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 :-</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. It is noted that the second show cause notice was already issued on 05.11.2019 against which the applicant has submitted his reply on 17.12.2019, which was received by the Department on 19.02.2019. It is observed that</p>	

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<p style="text-align: center;">02 ----- 22.12.2020</p> <p>Csm</p>	<p>sufficient time has lapsed but no final order has been passed. 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. Accordingly, OA is disposed of. Parties are directed to act on the Web Copy of the order.</p> <p style="text-align: center;">SUBESH KUMAR DAS MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	