

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

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

OA-504 of 2016

**Tapan Adhikary** 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;">15 ----- 27.11.2019</p> <p>Page /1</p>	<p>For the petitioners : Mr. M.N. Roy, Mr. G. Halder, Learned Advocates.</p> <p>For the respondent : Mr. A. De, Ms. R. Sarkar, Departmental Representatives.</p> <p style="text-align: center;">The instant application has been filed basically praying for following relief :-</p> <p style="text-align: center;">a) An order do issue thereby setting aside/cancel/quash/rescind/ revoke the entire Departmental Proceeding, Memorandum No. 7746-A &amp; P/3A-4/07 dated, Kolkata, the 15<sup>th</sup> November, 2011 being the Charge Sheet, and the Final Order of Punishment vide Order No. 3518-A&amp;P/3A-04/07 dated 23.07.2015, and enquiry report if any immediately as the same has been done in violation of the principles of natural justice and procedural norms.</p> <p style="text-align: center;">b) An order do issue thereby setting</p>	

**ORDER SHEET**

Form No.

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<p style="text-align: center;">15 27.11.2019</p>	<p>aside/cancel/quash/rescind/revoke the Departmental proceeding, Memorandum Departmental Proceeding, Memorandum No. 7746-A&amp;P/3A-04/07 dated, Kolkata, the 15<sup>th</sup> November, 2011 being the Charge Sheet, and the Final Order of Punishment vide Order No. 3518-A&amp;P/3A-04/07 dated 23.07.2015 and enquiry report if any immediately as the same has been done in violation of the Principles of Natural Justice and procedural norms and to give your applicant all consequential benefits arising thereto.</p> <p>c) A further order do issue directing the respondent authorities to transmit records pertaining to the instant case so that conscionably justice can be done.</p> <p>d) Any other appropriate order/orders direction/directions</p>	

**ORDER SHEET**

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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;">15 27.11.2019</p> <p>Page /3</p>	<p style="text-align: center;">as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicant and in the ends of justice.</p> <p style="text-align: center;">As per the applicant he was served with a charge sheet dated 15.11.2011 along with the relied upon documents. Subsequently one enquiry officer appointed and enquiry was conducted wherein the applicant had participated, however, without supply of any enquiry report or second show cause notice even without advice of P.S.C., has imposed punishment in the following manner :-</p> <p style="text-align: center;">a) Censure for the year 2003-2004;</p> <p style="text-align: center;">b) Stoppage of 2 (two) increments with cumulative effect.</p> <p style="text-align: center;">Being aggrieved with, applicant has filed this instant application.</p> <p style="text-align: center;">As per the applicant, the punishment</p>	

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<p style="text-align: center;">15</p> <hr/> <p style="text-align: center;">21.11.2019</p> <p style="text-align: left; margin-top: 100px;">P/4</p>	<p>order was illegal as neither any enquiry report or advice of P.S.C. was served upon him before imposing of penalty. Even the disciplinary authority has imposed punishment which would have future effect in pension in the guise of minor punishment has imposed such punishment which has future effect of getting the pensionary benefits of the applicant. Therefore, counsel for the applicant has prayed for quashing of the disciplinary authority's order dated 23.07.2015.</p> <p style="text-align: center;">The Departmental Representatives of the Respondents have submitted that as per Rule 10 (12) of C.C.A. Rules, there is no such mandatory requirement to serve the enquiry report or advice of the P.S.C. before passing of any final order under Rule 8 (ii).</p> <p style="text-align: center;">Therefore, the disciplinary authority has rightly imposed punishment.</p> <p style="text-align: center;">Heard both the parties and perused the</p>	

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