

**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-866 of 2019

**Angshuman 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><u>02</u> 19.11.2019</p> <p>Page /1</p>	<p>For the petitioner : Mr. A.K. Das Sinha, Learned Advocate.</p> <p>For the respondent : Mr. G.P. Banerjee, Learned Advocate</p> <p>Affidavit of service has been filed. Let it be kept with the record.</p> <p>The instant application has been filed challenging the impugned order dated 14.08.2019 on the ground that one preliminary enquiry report has been served upon him, copy of the recommendation of PSC has not been served upon him before passing of the final order. Therefore, counsel for the applicant has also prayed for interim protection by way of stay of impugned punishment order.</p> <p>The counsel for the respondent has vehemently objection on the point of interim protection by way of stay as the applicant was granted opportunity under the regular enquiry and in the regular enquiry report was also</p>	

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<p style="text-align: center;">02</p> <hr/> <p>19.11.2019</p> <p style="text-align: left;">sc</p>	<p>has to be served with the second show cause notice before imposing of punishment indicating the proposed punishment and in the instant case, the respondents had served the second show cause notice to the applicant intimating the proposed punishment as per the recommendation of the P.S.C. Therefore, separate recommendation of the P.S.C. need not be mandatorily supplied to him, as the P.S.C. is the only recommending authority. However, the applicant was granted opportunity to file reply. Thus there is no violation of natural justice.</p> <p style="text-align: center;">At this juncture, we do not find any reason to pass any interim order. Therefore, the prayer of the interim order is rejected. However, counsel for the respondent is directed to file reply by four weeks. Rejoinder, if any, by two weeks thereafter. Matter will appear on <b>22.01.2020.</b></p> <p style="text-align: center;"> <b>P. RAMESH KUMAR</b>  <b>MEMBER (A)</b> </p> <p style="text-align: center;"> <b>URMITA DATTA (SEN)</b>  <b>MEMBER (J)</b> </p>	

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Page /3  03 ----- 19.11.2019		

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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
sc  P/4  02 <hr/> 15.02.2019		

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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>P/5</p> <hr/> <p>02 15.02.2019</p> <p>P/6</p>		

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