

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

The Hon'ble Smt. Urmita Datta (Sen), Member (J)

& The Hon'ble P. Ramesh Kumar, Member (A)

Case No OA - 102 of 2019

Sankar Haldar –Vs- The State of West Bengal & Others.

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;"><u>5</u> 10.06.2019</p>	<p><i>For the Applicant : Mr. M.N. Roy, Mr. G. Halder, Advocates.</i></p> <p><i>For the Respondents: Mr. G.P. Banerjee, Advocate.</i></p> <p><i>Heard both the parties. On 26.02.2019 the respondents had placed two letters dated 20.02.2019 issued by the Joint Secretary to the Govt. of West Bengal, Personnel and Administrative Reforms Department to the District Magistrate, Paschim Medinipur as well as Joint Secretary, State Vigilance Commission, West Bengal asking for following :</i></p> <p><i>“In pursuance of the above referred subject matter, I am directed to request you to let this Department be informed whether the requisite documents as sought for by the applicant/Charged Officer in connection with the Charge Memo No. 770-P&AR(Vig.) dated 18.11.2015 had been provided/served to the concerned or not with the supporting/relevant documents, complying the Order dtd. 14.02.2019 passed by Hon'ble WBAT,</i></p>	

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	<p><i>within 22.02.2019."</i></p> <p><i>In reply to that, one Additional District Magistrate and District Land and Land Reforms Officer , Paschim Medinipur vide his letter dated 22.02.2019 had informed the joint Secretary which is as follows :</i></p> <p><i>"In pursuance of the correspondence vide No. 79 - P & AR (Vig) dated 20/02/2019, this is for your kind information that in connection with the Charge memo no. 770 - P & AR (Vig) dated 18/11/2015 all the related files and related memos as available in office on that time were produced before the charged officer for his inspection."</i></p> <p><i>On perusal of the documents, we were not satisfied on the point of time and had asked for specific information with regard to the inspection of availability of specific documents and directed to file proper reply by 21st May, 2019. However, till date no such reply has been filed. However, the counsel for the respondent has submitted that they had already filed the documents i.e. letters dated 20.02.2019 and 22.02.2019. As the applicant has mentioned in page 86 & 87 as a specific allegation by way of mentioning the specific documents vide his letter dated 05.01.2017 and after going</i></p>	

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A.K.P.	<p><i>through the aforesaid two documents it is not at all clear whether those specific documents were made available to the applicant or not. Therefore, in our considered opinion, though the District Magistrate and Additional District Magistrate and District Land and land Reforms Department, Paschim Medinipur have not been made party and as the Joint Secretary has asked information from the District Magistrate specifically being the custodian of documents with related to the charge sheet. Both the District Magistrate and Additional District Magistrate is directed to file specific reply in this regard or to take appropriate steps by three weeks. The applicant is also directed to co-operate with the respondent by providing the documents.</i></p> <p><i>Interim order dated 26.02.2019 to continue till disposal.</i></p> <p><i>Let the matter be listed on 02.07.2019 under the heading Reply, Rejoinder and Objection.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	