

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)

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;">02</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">14-02-2019</p>	<p>For the Applicant : Mr. D. N. Roy, Mr. M. N. Roy, Mr. G. Halder, Advocates.</p> <p>For the State Respondents : Mr. G. P. Banerjee, Advocate.</p> <p style="text-align: center;">Affidavit of service is filed be kept on record.</p> <p>The instant application has been filed mainly challenging the departmental proceeding dated 18-11-2015 as well as second show cause notice dated 10-01-2019. As per the applicant, he was charge sheeted vide Memo dated 18-11-2015, wherein certain documents basing on which mentioned in Annexure-3 of the charge sheet under Sub Para 4(b), 4(g), 4(h), 4(i), 5, 5(a) and 8 were not supplied to him after repeated written representations. Even he had prayed for inspection of the said documents for making</p>	

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	<p>proper defence reply. However instead of supplying the relied upon documents, the Disciplinary Authority processed with disciplinary proceeding which according to the applicant is a clear violation of natural justice. Moreover one second show cause notice dated 10-01-2019 has been served to him with a proposed punishment. Being aggrieved with, he approached this Tribunal.</p> <p>During the course of the hearing the Counsel for the applicant has prayed for interim protection as according to him disciplinary proceeding is illegal and it is a clear case of violation of natural justice.</p> <p>The Counsel for the respondent has submitted that though today he does not have any instruction from his client, however he objected for any sort of interim protection and has prayed for time to take instruction.</p> <p>We have heard both the parties and perused the records. We find that there is a</p>	

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Mihir	<p>prima facie case in favour of the applicant. We direct the respondents to take instruction whether the said relied upon documents were actually served to him or not. Since it is only the issue to be decided in the instant case. In the interim, the respondents are directed to maintain status quo with regard to the impugned second show cause notice till the next date. Let the matter be listed on 26-02-2019 under the same heading.</p> <p>Plain copy to all the parties.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	