

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-1499 of 2009**Dr. Sachindra Nath Biswas –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>31</u> 13.09.2018</p>	<p><i>For the Applicant : Mr. N.Kr. Paladhi, Mr. M. Karim, Advocates.</i></p> <p><i>For the Respondents : Mr. S. Ghosh, Advocate.</i></p> <p><i>This instant case has been come for hearing being remanded back by the order of the Hon'ble High Court vide order dated 24.11.2014 passed by the Hon'ble High Court in WPST No. 250/2014. The instant application was initially challenging the disciplinary proceedings as well as order of the Governor dated 04.09.2008. He had challenged Memo dated 21.11.2008 and the order of the Governor rejecting the appeal of petitioner vide order dated 04.09.2008. Subsequently, the applicant was charge sheeted vide Memo dated 17.06.2006 (Annexure D) with an allegation of unauthorised absence for the period from 04.02.1988 to 13.06.2005. The applicant initially participated in the disciplinary proceedings and by final order dated 15.11.2006, he was imposed with the punishment of withholding the pension permanently against which he preferred an appeal before the Governor, who in turn rejected his prayer on 4th September, 2008. Being aggrieved with, he has filed this instant application. In the meantime,</i></p>	

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	<p><i>though the applicant was punished for unauthorised absence however the Governor subsequently vide order dated 01.12.2009 had regularised the leave from 01.02.1988 to 31.01.1993 and for the rest period from 21.01.1993 to 06.07.2005 was directed to be treated as dies non for all purposes. The applicant wants to file supplementary affidavit to bring on record the said fact. However, this Tribunal vide order dated 22.08.2013 had set aside the punishment order. Being aggrieved with, the State Respondents have preferred one WPST No. 250/2014. Hon'ble High Court after hearing both the parties passed the following order:</i></p> <p style="text-align: center;"><i>“For these reasons, we set aside the Tribunal order, allow the WPST and direct the Tribunal to decide the OA afresh giving the petitioners reasonable opportunity to deal with the supplementary affidavit filed by the respondent. The petitioners are ordered to pay the respondent Rs. 5,000 costs, within a fortnight from the date this order is sent to the server.”</i></p> <p><i>Obviously, the matter was again appeared before this Court for further fresh hearing on 17.04.2015 when this Tribunal had directed the State respondent to file reply to the</i></p>	

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	<p><i>supplementary affidavit. Since none appeared for the respondent side, the Registry was directed to serve copy of the order to the respondents which was served upon the respondents on 18.05.2015. Thereafter, the matter was listed on various occasion i.e. from 07.05.2010 to 10.01.2017 and different counsel for the respondent had appeared. Lastly, Sankha Ghose appeared on 25.06.2018 for the first time. Thereafter on 28.06.2018, 16.07.2018 and 21.08.2018 on the prayer of the Ld. Counsel for the applicant the matter was adjourned for today as a specially fixed matter to be heard.</i></p> <p><i>However, when the matter was called for today for final hearing, Mr. Sankha Ghosh, the counsel for the State respondent for the present time has again prayed for time to file reply to the supplementary affidavit. Though it is noted that enough opportunity was granted to the respondent to file reply to the supplementary affidavit but till date, no such affidavit has been filed. However, for ends of justice as per the prayer of the Ld. Counsel for the respondent Mr. S. Ghosh, 15 days time has been granted as last chance to file reply to the supplementary affidavit otherwise appropriate order will be passed on the next date on the basis of the available documents on record.</i></p>	

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A.K.P.	<p style="text-align: center;"><i>Let the matter be listed on 05.10.2018 as a specially fixed matter.</i></p> <p style="text-align: center;"> P. RAMESH KUMAR MEMBER (A) </p> <p style="text-align: center;"> URMITA DATTA (SEN) MEMBER (J) </p>	