

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-178 of 2019.Samir Kumar Bhattacharjee. 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>05</p> <p>-----</p> <p>05-07-2019</p>	<p>For the Applicant : Mr. M. N. Roy, Mr. G. Halder, Advocates.</p> <p>For the State Respondents : Mr. A. De, Mrs. R. Sarkar, Departmental Representatives.</p> <p>The instant application has been filed praying for the following reliefs :-</p> <p>(a) An order do issue thereby setting aside/quashing the entire Departmental Proceeding including the Charge sheet vide Memo No. 46/643/con/2015 (Pt) Dated , Alipore, the 29th June, 2016, show Cause Notice vide Memo No. 46/354/con/2015 (Pt) Dated , Alipore, the 14th June, 2017, Inquiry Report, final order of punishment vide Order No. 46/488/con/2015 (Pt) Dated , Alipore, the 16th August, 2017, Appellate Authorities Order dated 24-12-2018</p>	

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	<p>immediately.</p> <p>(b) An order do issue directing the respondent authorities to give all consequential service benefits after setting aside/quashing the entire Departmental proceeding including the Charge sheet vide Memo No. 46/643/con/2015 (Pt) Dated , Alipore, the 29th June, 2016, show Cause Notice vide Memo No. 46/354/con/2015 (Pt) Dated , Alipore, the 14th June, 2017, Inquiry Report, final order of punishment vide Order No. 46/488/con/2015 (Pt) Dated , Alipore, the 16th August, 2017, Appellate Authorities Order dated 24-12-2018 within a stipulated time period.</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 as this Hon'ble</p>	

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	<p>Tribunal may deem fit and proper to protect the right of the applicant and in the ends of justice.</p> <p>As per the applicant, in response to the charge sheet he had made a detailed reply before the authority. However the Disciplinary Authority rejected his case on 16-08-2017 and he has been imposed with the punishment vide final order dated 16-08-2017. Being aggrieved with, he had applied in details before the Appellate Authority. However the Appellate Authority had rejected his appeal by a cryptic and non-speaking order. Being aggrieved with, he has filed the instant application.</p> <p>The Counsel for the applicant has submitted that from the perusal of the appellate order it would be evident that the said order is cryptic and non-speaking one and is liable to be quashed.</p> <p>Heard the parties and perused the records. It is noted that the applicant has filed</p>	

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	<p>detailed appeal dated 11-10-2017. However the Appellate Authority has passed the following order :-</p> <p style="text-align: center;">“Perused the observations of Finance Department and that of Ld LR on the issue of ‘Power of Attorney’ as relevant in the context of the instant matter.</p> <p style="text-align: center;">Having considered all materials on record oral and written submissions made by the C.O, I am satisfied with the findings of the Inquiring Authority and the penalty as imposed by the Disciplinary Authority (DA) and therefore do not intend to interfere with the order passed by the D.A. Appeal is thus disposed”.</p> <p>In our opinion, the aforesaid order of the Appellate Authority is cryptic and non-speaking one, though the applicant has already filed a detailed appeal before the Appellate Authority. Thus the Appellate order is hereby quashed and set aside and the case is</p>	

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Mihir	<p>remanded back to the Appellate Authority for his fresh consideration and with a direction to pass a reasoned and speaking order after considering the appeal of the applicant and granting him personal hearing and communicate the same within a period of 12(twelve) weeks from the date of receipt of this order.</p> <p>Accordingly, the OA is disposed of with no order as to cost.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	