

**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-231 of 2019.Prabal Ray Chaudhuri. 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>-----</p> <p style="text-align: center;">25-04-2019</p>	<p>For the Applicant : Mr. M. N. Roy, Mr. G. Halder, Advocates.</p> <p>For the State Respondents : None.</p> <p style="text-align: center;">Affidavit of service has been filed be kept on record.</p> <p style="text-align: center;">The instant application has been filed basically challenging the suspension order dated 12-12-2018 (Annexure-A) by which the applicant was kept under suspension under Sub-Rule 1 of Rule 7 of the West Bengal Services (CCA) Rules, 1971. As per the applicant, though he was put under suspension under sub-Rule 1 of Rule 7 WBS (CCA), however till date i.e. up to the filing of the present application, no departmental proceeding has been initiated. Being aggrieved with, he has filed the instant application.</p>	

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Prabal Ray Chaudhuri

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	<p>During the course of the hearing, the Counsel for the applicant has submitted that after filing of the instant application, he was served with a charge sheet dated 21-12-2018 on 11<sup>th</sup> April, 2019. He has further submitted that though the charge sheet has been issued and served upon him on 11-04-2019, however no review for suspension and for subsistence allowance has been made by the respondent as per Rule 71(4) (iii) (a) under chapter 9(Nine) of West Bengal Service Rules Part-1. Therefore he has submitted that it would suffice his purpose if the respondent would be directed to review the suspension order as well as subsistence allowance as per Rules and communicate the same to the applicant within a stipulated period of time.</p> <p>Though affidavit of service has been filed none appear for the respondent. It is noted that after filing of the instant application the respondent have served the charge sheet on 11-04-2019 to the applicant beyond the period of 90 days. However as per the applicant no</p>	

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Mihir	<p>review has been made with regard to the subsistence allowance as per Rule 71(4) (iii) (a) of the West Bengal Services Rule 1 as well as certain principle of law. Therefore the respondents are directed to review the case of the applicant regarding suspension order and subsistence allowance of the applicant immediately and communicate the decision within a period of 6(six) weeks from the date of receipt of this order. Accordingly, the OA is disposed of with no order as to cost.</p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	