

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-392 of 2019.Satya Prakash Mishra. 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>03</p> <p>-----</p> <p>03-07-2019</p>	<p>For the Applicant : Mr. M. N. Roy, Advocate.</p> <p>For the State Respondents : None.</p> <p>Affidavit of service has been filed be kept on record.</p> <p>The instant application has been filed challenging the punishment order dated 22-11-2018 whereby the following punishment has been imposed :-</p> <p>(i) Recovery from pay the entire amount of pecuniary loss caused to the Government by negligence to the tune of Rs. 15,500 (Rupees Fifteen Thousand Five Hundred only) and ;</p> <p>(ii) Reduction of basis pay by three</p>	

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	<p>increments in the time scale of pay held by him, for one year. He will not earn any increment during the period of his undergoing penalty i.e. 1 (one) year from the date of issue of this order. On completion of one year and on expiry of the period the reduction will not have the effect of postponing his future increments.</p> <p>The charged officer shall be debarred from promotion during the period of his undergoing penalty and such debarment shall not be treated as penalty.</p> <p>As per the applicant, the punishment is bad in law as the applicant has been punished with 2(two) punishment i.e. stoppage of increment as well as debarment of promotion, which is not permissible as per Rules as well as the decision of this Tribunal. However the stoppage of 3(three) increments</p>	

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Mihir	<p>in one year is also not practically possible and admissible as per Rules. Hence the applicant has prayed for interim protection.</p> <p>None for the respondent though affidavit of service has been filed. Since there is prima facie case in favour of the applicant, the respondents are directed not to give effect of the punishment till the next date. In the mean time respondent is also directed to take instruction for making appropriate submission. The applicant is directed to communicate the order to the respondent.</p> <p>Let the matter be listed on 19-09-2019 under the same heading.</p> <p>Plain copy.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

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