

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-599 of 2018.MD Rizwan 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
01 ----- 23-08-2018	<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>The instant application has been filed challenging the Internal Complaints Committee Enquiry Report dated 25-04-2017, by which the Department was recommended to take action as per service Rules. As per the applicant one complain was lodged against him on 04-11-2015 which was forwarded to the Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for enquiry of the matter. The said enquiry was started on 13-01-2016. However, the recommendation was made beyond the 90 days as stipulated Section 11 (4) of the said Act on 25-04-2017. Being aggrieved with, he</p>	

ORDER SHEET

MD Rizwan .

Form No.

Vs.**The State of West Bengal & Others.**Case No. OA-.599 of 2018

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>approached the Hon'ble High Court in W.P.S.T. No. 19831(W) of 2017. However, Hon'ble High Court by its order dated 02-08-2017 disposed of the matter with a direction to the applicant to approach the appropriate authority under the said Act. Therefore, the applicant preferred appeal before the Hon'ble Governor and the Deputy Secretary of the Government of West Bengal, Labour Department vide letter dated 17-07-2018 has informed the applicant to agitate his grievances before this Tribunal for his redressal. Hence the applicant has preferred the instant application.</p> <p>The Counsel for the respondents has prayed for 4(four) weeks time to file reply. The matter is admitted. The Counsel for the applicant has prayed for interim protection by way of staying the operation of the Internal Complaints Committee Report dated 25-04-2017 till the disposal of the O.A.</p> <p>However, the Counsel for the respondents has objected for grant of stay. He</p>	

ORDER SHEET

MD Rizwan .

Form No.

Vs.**The State of West Bengal & Others.**Case No. OA-.599 of 2018

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
Mihir	<p>has further submitted that since the matter has already been admitted Section 19 (4) protection is there.</p> <p>Heard the parties. As we have already admitted the application, as per Section 19 (4), the proceedings is automatically abated. Therefore at this stage, we do not find any reason to pass an order of stay in this regard. However, for speedy disposal of the case, we direct the respondents to file reply by 4(four) weeks positively, rejoinder, if any, by 2(two) weeks thereafter.</p> <p>List the matter under the heading Reply, Rejoinder and further order on 22-11-2018.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER(J)</p>	

ORDER SHEET

MD Rizwan .

Form No.

Vs.

The State of West Bengal & Others.

Case No. OA-.599 of 2018

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