

**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-754 of 2018****Sukumar Prodhan –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>1</u> 5.12.2018</p>	<p><i>For the Applicant : Mr. D. Dutta, Advocate.</i></p> <p><i>For the Respondents : Mr. M.N. Roy, Advocate.</i></p> <p><i>The instant application has been filed praying for following relief:</i></p> <p><i>“(a) The applicant prays for direction upon the concerned authority to dispose the memo of appeal lying pending before the Deputy Inspector General of police, Murshidabad Range i.e. respondent No. 3 by the way of passing reasoned and speaking order within a prescribed period of time.</i></p> <p><i>(b) The applicants prays for direction upon the concerned authority to release the deducted amount with other benefits at earliest date after quashing/setting-aside/revoking/rescinding/cancelling.</i></p> <p><i>(c) And to pass any other order or orders as your Lordships may deem fit and proper for the ends of justice.”</i></p> <p><i>As per the applicant, he was punished on the allegation of over staying of the leave without any intimation with the</i></p>	

**ORDER SHEET**

Sukumar Proadhan

Form No. ....

**Vs.****The State of West Bengal & Ors.**Case No. OA-754 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><i>punishment that his previous service would be treated as dies-non and he will draw his initial pay with effect from 20.06.2003. However, he had filed an appeal before the Deputy Inspector of Police on 11.10.2017 only. In the mean time, he retired on superannuation on 31.03.2016. Therefore, he has challenged the impugned order of disciplinary proceedings in the instant O.A.</i></p> <p><i>The counsel for the respondent has raised the preliminary objection that the application is hopelessly barred by limitation as the disciplinary authority has passed his order on 20.06.2003 and there is a clear provision in the statute that the appeal, if any, to be filed within 37 days from the date of receipt of the order. However, the applicant neither filed any appeal within a statutory period of time nor make any objection with regard to lowering down of his pay scale in initial stage but continued his service till his retirement. After superannuation, he had filed one appeal before the authority. However, the applicant has filed the instant application in the year 2018 also. Therefore, he has prayed for dismissal of the O.A.</i></p> <p><i>As per the counsel for the applicant since it is a recurring cause of action there is no delay in filing the</i></p>	

**ORDER SHEET**

Sukumar Prodhan

Form No. ....

**Vs.****The State of West Bengal & Ors.**Case No. OA-754 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
A.K.P.	<p><i>instant application.</i></p> <p><i>We have heard both the parties and perused the records. It is noted that the applicant was punished by the disciplinary authority with the following punishment. However neither he filed any appeal within the statutory period nor had objected for lowering down of his pay rather he had accepted pay month-wise without any objection during his past service period. Rather has filed the appeal before the Deputy Inspector of Police after his superannuation. It is further observed that the applicant even have not challenged the disciplinary authority's order and has only prayed for a direction to the appellate authority to dispose of his matter. Therefore, since the applicant has already retired from service and has admittedly filed the appeal after his retirement thus cause of action had arisen in the year 2003 and during his service period he had merrily accepted the salary without making any objection to that. In view of the above, we are unable to entertain the O.A. Accordingly, the O.A. is dismissed as per the above observations with no order as to costs.</i></p> <p><b>P. RAMESH KUMAR</b> MEMBER (A)</p> <p><b>URMITA DATTA (SEN)</b> MEMBER (J)</p>	