

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &
Hon'ble Sayeed Ahmed Baba, Member (A)**

Case No. – MA 15 of 2022(OA 282 of 2017)

Gitesh Das Mahapatra - **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. B.R. Neyogi,
Learned Advocate.

01
08.02.2022

For the State Respondent : Mrs. R. Sarkar,
Mr. A. De,
Departmental Representatives.

Affidavit of service filed by the applicant today be kept on record.

As per the applicant, though he has challenged the draft charge sheet on the basis of which the disciplinary proceeding has been initiated, which was admitted by this Tribunal on 06.06.2017 for the purpose of hearing. However, all of a sudden on 21.01.2022, a memorandum was served upon the applicant whereby the disciplinary authority has communicated the applicant the proposed punishment though as per Section 19(4) of Administrative Tribunal's Act, 1985, when the matter was admitted by the Tribunal, the respondents cannot proceed with the same before final hearing. Therefore, the counsel for the applicant has prayed that the respondent may be restrained to proceed with the disciplinary proceeding till the final decision of this Tribunal.

The departmental representative has submitted that they do not have any instruction in this regard.

Heard the parties and perused the record. It is noted that on 06.06.2017, this Tribunal had admitted the matter for final hearing on the issue that whether a disciplinary proceeding has been initiated on the basis of a draft charge sheet or not. However, the respondents have issued the second show cause notice proposing punishment order dated 30.11.2021 which was communicated to the applicant vide letter dated 21.01.2022. Since the matter was already admitted and the validity of initiation of the departmental proceeding is yet to be decided, therefore, the respondents are

ORDER SHEET

Gitesh Das Mahapatra

Form No.

Vs.

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directed to keep in-abeyance the second show cause notice till the final decision.

Let OA 282 of 2017 be listed for final hearing on **26.04.2022**.

Accordingly, MA is disposed of.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER (A)

Mrs. URMITA DATTA (SEN)
MEMBER (J)

HS