

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – MA 29 of 2025 [OA 450 of 2023]

Lala Mir -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Ms. A.P. Banerjee,
Ld. Advocates.

02
23.04.2025

For the State Respondents : Mr. S.K. Mondal,
Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for restraining the disciplinary proceedings against the applicant.

Mr. Banerjee, learned counsel appearing on behalf of the applicant has submitted that during the pendency of the original application – OA 450 of 2023 in which the applicant has challenged the Report of the Enquiry Committee, the disciplinary proceedings proceeded against him by initiating a departmental enquiry. Such departmental enquiry while the main matter is sub-judice is in violation of natural justice. Mr. Banerjee has also submitted that in terms of Rule 13(4) of the Act, the disciplinary proceedings against the accused person should be initiated within sixty (60) days from the date of submission of the Enquiry Report by the Enquiry Committee. However, in this case, such a disciplinary proceedings was initiated after lapse of more than twelve (12) months.

Mr. Mondal, learned counsel for the State respondents has responded by submitting that no rule disallows the Disciplinary Authority from initiating an enquiry against the Charged Officer irrespective of the fact that another application is pending before this Tribunal.

Heard the submissions of the learned counsels of both parties at length.

Pleadings are complete.

Order is reserved.

SS/HS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)