

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 38 of 2024 [OA- 709 of 2022]**

**Arup Ghosh -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. M.N. Roy,  
Mr. G. Halder,  
Ld. Advocates.

02  
18.06.2024

For the State Respondents : Mr. S. Ghosh,  
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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

This application has been filed praying for an interim order of stay to the proceedings no. 2/2017 dated 17.04.2017 initiated against the applicant by the Disciplinary Authority.

Mr. Roy, learned counsel for the petitioner agitates that the specific Service Rules relied by the Superintendent of Police in passing the reasoned order dated 16.10.2023 does not exist and it is entirely a defective order.

Mr. Ghosh, learned counsel for the State respondents has acknowledged that the point raised by Mr. Roy is valid and it was due to inadvertence on part of the respondent authority, such mistake was made in the reasoned order. Mr. Ghosh prays for liberty to withdraw this reasoned order passed by the State respondents on 16.10.2023 with the liberty to pass a fresh reasoned order.

In view of above submissions, liberty is given to the respondent authorities to withdraw this reasoned order and pass a fresh reasoned order in accordance with the relevant rules within a period of thirty (30) days. Till such a reasoned order is passed, the respondent no. 3, the Superintendent of Police, Howrah (Rural) is directed not to pass any other orders against the applicant.

Accordingly, the MA-38 of 2024 is **disposed of**.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**