

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. – OA 151 of 2022

Dr. Manotosh Sutradhar -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. M. Ganguly, Ld. Advocate Mr. C. Sarkar, Ld. Advocate
	For the State respondent	: Mr. G.P. Banerjee, Ld. Advocate.
<u>22</u> 13.05.2024	For the Pvt. Respondent No. 7	: Mrs. S. Roy, Ld. Sr. Advocate, Mr. S. Sil, 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.

Assailing the report submitted by the Internal Complaint Committee, Mr. Ganguly, learned counsel appearing on behalf of the applicant submits that the entire report is in complete disregard to the principles of natural justice. For instance, without any intimation to the applicant, the Committee gathered information and such information was not even supplied to the applicant. Mr. Ganguly submits that as per the statutory requirement, any information being collected against the applicant, it is mandatory on part of the authorities to share such information with the charged officer. Another alleged violation pointed out by Mr. Ganguly is that all the witnesses were examined behind the back of the applicant. Submitting further, Mr. Ganguly also points out that the Committee did not allow the applicant to cross-examine any of the witnesses. The only opportunity given to the applicant was through a set of questionnaire to be answered by the applicant.

Mr. Banerjee, learned counsel appearing on behalf of the State respondents submits that this application is not admissible at this stage before this Tribunal for the primary reason that based on the recommendation of the ICC, the Disciplinary Authority has already initiated departmental proceedings against the applicant. Such proceedings were initiated on 09.07.2021 and the applicant has duly attended the hearings.

Let the submissions continue on the next date and let the matter appear under the heading “Hearing” on 06.11.2024.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS