

**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 166 of 2025**

**Tapas Kumar Mondal -- VERSUS – The State of West Bengal & Ors.**

|                                 |                           |   |
|---------------------------------|---------------------------|---|
| Serial No. and<br>Date of order | For the Applicant         | : Mr. S. Bhattacharjee,<br>Ld. Advocate |
| <u>01</u><br>21.04.2025         | For the State Respondents | : Mr. M.N. Roy,<br>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.

Affidavit of service filed be kept on record.

The applicant has filed this application praying for setting aside the disciplinary proceedings, which has been initiated against him by an order no. 2/24 dated 08.01.2024 which was communicated to the applicant on February 02, 2024. A close reading of the charges framed against the applicant relates to acquisition of disproportionate assets, both movable and immovable.

Mr. Bhattacharjee, learned counsel argues that such disciplinary proceedings cannot be initiated since a criminal case is pending in which the same charges and witness are involved. He refers to Para 22 of the Judgment of the Hon'ble Supreme Court in (1999) 3 SCC 679 in the case of M. Paul Anthony Vs. Bharat Gold Mines Ltd. and another.

Mr. Roy, learned counsel appearing on behalf of the State respondents wishes to file a reply disagreeing with the contention of the applicant and his counsel in this application.

Mr. Bhattacharjee, has prayed for an interim relief to stay the operation of this disciplinary proceedings. The Tribunal will hear this prayer on the next date.

The matter is admitted.

Let the matter appear under the heading "Hearing" on 11.11.2025.

Reply and rejoinder, if any, in the meantime.

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

HS/SS