

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta(Sen), Member(J).

Case No. – OA 342 of 2021

DR. SAMAR KANTI KAYAL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. G.P. Banerjee Advocate
<u>02</u> 12.08.2021	For the State respondents	: None

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant application has been filed challenging the final order dated 17.01.2020 as well as the order dated 06.03.2020. As per the application, he has been imposed with the following punishments:-

“NOW, THEREFORE, in exercise of power conferred by sub-rule 14 of rule 10 of the West Bengal Services(Classification, Control & Appeal) Rules, 1971, the Governor has been pleased to order to punish by reduction of his pay to 2(two) stages lower in the current pay band till retirement under Rule 8(iv) of W.B. Services(Classification, Control & Appeal) Rules, 1971. During the period of such reduction the charged officer will not earn any increment of pay and his pension will be drawn on such reduced pay

The Governor has further been pleased to direct that the said Dr. Samar Kanti Kayal shall be debarred from promotion during the period of undergoing penalty and such debarment should not be treated and imposed as a penalty.”

From the aforesaid punishment order, it would be evident that his increment has been stopped permanently in the reduced pay scale. Further, he has been debarred from promotion, which is not permissible as per rule as well as per judgement passed

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by this Tribunal in OA No. 494 of 2017(Sanjay Kumar Dutta – Versus – The State of West Bengal & Others) on 11th January, 2019, which was, however, affirmed by the Hon’ble High Court on 15 November, 2019 in WPST 105 of 2019. Therefore, he has prayed for quashing of the impugned order.

Affidavit of service has been filed. Even none appeared from the Respondent. Therefore, the Respondent is granted a last chance to make appropriate submission by the next date. Let the matter be adjourned to 26.08.2021 for Admission Hearing.

Urmita Datta(Sen)
Member(J)