

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA - 25 of 2018****Habibur Rahaman –Vs- The State of West Bengal & Others.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>1</u> 03.08.2018</p>	<p><i>For the Applicant : Mr. A.K. Das Sinha, Advocate.</i></p> <p><i>For the Respondents : Mr. G.P. Banerjee, Advocate.</i></p> <p><i>The instant application has been filed praying for quashing and setting aside of the suspension order dated 31.10.2017.</i></p> <p><i>As per the applicant, he was suspended by the order dated 31.10.2017. Accordingly, the applicant was suspended under Sub-rule 1 Clause A of Rule 7 of the West Bengal Services (CCA) Rules, 1971. Till date neither the suspension order was reviewed nor has any disciplinary proceeding been initiated. Therefore, the applicant has prayed for quashing of the impugned suspension order. He also referred one judgement passed by the Hon'ble Apex Court in the case of Ajay Kumar Chowdhury –Vs- Union of India and Others arising out of Civil Appeal No. 1912/2015.</i></p> <p><i>The counsel for the respondent has admitted that till date no disciplinary proceeding has been initiated neither suspension order has been reviewed.</i></p>	

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Form No.

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A.K.P.	<p><i>We have heard both the parties and perused the record as well as the judgement placed by the applicant.</i></p> <p><i>Therefore, in our considered view, the suspension order dated 31.10.2017 without being reviewed or issuance of any charge sheet cannot be sustained as almost one year has been elapsed. In view of the above, we quash and set aside the suspension order dated 31.10.2017. However, the respondent is at liberty to take appropriate steps as per law, if so desired.</i></p> <p><i>Accordingly, the matter is disposed of.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	