DL-7

02.08.2023
Court No.5
(AD)

WP.ST 106 of 2023

Kanchan Kamal Mukhopadhyay
Vs.
Commissioner of Commercial Taxes & Ors.

Mr. Sugata Bhattacharyya
Ms. Taniya Roy
… for the petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP
Ms. Tuli Sinha
… for the State.

The writ petition is directed against an order dated May 10, 2023 passed in OA 611 of 2018 by the West Bengal Administrative Tribunal.

By the impugned order, the Tribunal did not find any illegality or non-compliance of any law or any procedural lapses on the part of the disciplinary authority in passing the final order on May 15, 2018.

Learned Advocate appearing for the petitioner submits that a disciplinary proceeding was initiated as against the petitioner. The department relied upon documents provided by the petitioner. The department was lax in proceeding with the departmental proceedings. The petitioner approached the Tribunal for an expeditious disposal of the disciplinary proceedings. The disciplinary authority passed a final order dated May 15, 2018 which was assailed before the Tribunal.

Learned Senior Advocate appearing for the State submits that, the order of the disciplinary authority dated May 15, 2018 was passed by the Additional Chief Secretary to the Government of West Bengal and that, under the provisions of the West Bengal Services (Classification, Control And Appeal) Rules, 1971 particularly Rule 16 thereof, the petitioner was entitled to prefer an appeal therefrom. The petitioner did not do so. He submits that there is no illegality in the impugned order.

Petitioner was working as a Senior Joint Commissioner of Commercial Taxes, West Bengal under the administrative control of the Commissioner of Commercial Taxes. Petitioner superannuated on January 31, 2016. Petitioner approached the Tribunal by way of O.A.- 337 of 2016 complaining that, a disciplinary proceeding initiated as against the petitioner, on the allegation of amassing disproportionate asset known to the source of income, was not being disposed of. By an order dated May 2, 2016, the Tribunal disposed of O.A.-337 of 2016 by directing the authorities to complete the proceedings within the stipulated time. Petitioner received a report dated November 23, 2016 from the authorities to which the petitioner submitted a reply dated May 17, 2017. An order dated May 15, 2018 was passed by the disciplinary authority imposing penalty of withholding of 10 per cent of the pension for three years in terms of Rule 10(1) of the Rules of 1971.

Petitioner did not exercise the right of appeal as provided under the Rules of 1971. Petitioner moved the Tribunal by way of O.A.-611 of 2018. The application was disposed of by the impugned order passed by the Tribunal after recording that there was no illegality in the disciplinary proceedings.

Today, learned Advocate for the petitioner is unable to establish any procedural lapses in the disciplinary proceeding. The order of the disciplinary authority is dated May 15, 2018. Moreover, as noted above, the petitioner did not prefer any appeal from the order dated May 15, 2018.

In such circumstances, we find no merit in the present writ petition.

WP.ST 106 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)