

W.P.S.T. 99 of 2025

**Kamal Howlader
Vs.
The State of West Bengal & Ors.**

Mr. D.N. Ray, Sr. Adv.,
Mr. Biswarup Nandy,
Mr. Sourav Halder

...for the Petitioner

Mr. Tapan Kr. Mukherjee, Id. AGP,
Mr. Somnath Naskar

...for the State Respondents

Ms. Shraboni Sarkar, (VC)
Ms. Srishna Yadav

...for the PSC

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Heard the learned senior counsel for the petitioner and the learned State counsel as well as the learned counsel for the PSC.
3. The petitioner was aggrieved by continuance of proceedings initiated against him by a memo no. 5897 dated 21.08.2019. The petitioner, thus, approached the West Bengal Administrative Tribunal (hereinafter referred to as the 'S.A.T.') seeking an order that the proceedings shall not continue any further since the proceeding has been pending for a long period of time.
4. O.A. No. 444 of 2023 was disposed of by the S.A.T. on 05.12.2024 in the following terms:

"In view of what has been submitted by the learned counsels, this application is

disposed of by directing the respondent no.2, Secretary, Department of Panchayat and Rural Development to positively conclude the proceedings within three months from the date of communication of this order.

Accordingly, this application is disposed of.”

5. Thereafter the petitioner has again approached the S.A.T. by the instant proceedings in O.A. No. 169 of 2025 wherein he has prayed for a relief of setting aside quashing of the same disciplinary proceedings since the disciplinary authority has failed to conclude the departmental proceedings in compliance with the order passed in O.A. No. 444 of 2023. The S.A.T. has taken up the matter on 21.04.2025 and has taken note of the stand of the parties and directed for filing a reply covering the actual status of the proceedings and the tentative date by which the disciplinary proceedings will be concluded.
6. The learned senior counsel for the petitioner submits that the nature of directions passed in the S.A.T.'s orders, amounts to extending the time granted for concluding the proceedings in O.A. No. 444 of 2023 which could not have been done in the present proceedings. The submission of the learned senior counsel has been considered by us with reference to the earlier order passed in O.A. No. 444 of 2023.

7. We find that the direction was already issued for concluding the proceedings positively within three months. Having obtained such a positive direction, it was open to the petitioner to seek enforcement/implementation of the same or to initiate appropriate action if there was any wilful and deliberate violation of the same, which they have chosen not to do, till date.
8. On the contrary a successive O.A. has been filed wherein substantially the same relief has been prayed which was already granted in the earlier O.A. No. 444 of 2023. The subsequent O.A. is still pending consideration and is listed for hearing on 19.11.2025 as is apparent from the impugned order dated 21.04.2025.
9. We further observe that if the petitioner is desirous of pursuing such a subsequent O.A., it is open to him to do so as the proceedings have not concluded; and by the impugned order was fixed for hearing.
10. We do not find any reason to interfere with such impugned order dated 21.04.2025 passed by the S.A.T. in O.A. No. 169 of 2025.
11. The Writ Petition being **W.P.S.T. No. 99 of 2025** is disposed of.
12. There will be no order as to costs.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)