

27.08.2025
(D/L-105)
Ct. No.4
(B.K.N.)

W.P.S.T. 108 of 2025

**The State of West Bengal & Others
Vs.
Sandip Kumar Roy**

Mr. Biswabrata Basu Mallick, Ld. AGP,
Mr. Subhendu Sen Gupta
...for the Petitioners (State)

Mr. Pradip Kumar Roy, Sr. Adv.,
Ms. Shruti Mitra,
Ms. Sumedha Mukhopadhyay
...for the Respondent

1. Heard the learned advocates for the parties.
2. The petitioners approached the West Bengal Administrative Tribunal (for short, 'SAT') seeking the following relief:

"6. RELIEFS SOUGHT FOR:

In view of the facts as mentioned in paragraph 4 hereinabove, the applicant prays for the following relief:

a) Direction be given upon the respondents to forthwith rescind/cancel and/or withdraw the impugned Departmental proceedings against the applicant or in the alternative, stay of said proceedings till disposal of the ACB PS Case No. 11 of 2016 dated 26.11.2016 under Section 7 of the Prevention of Corruption Act, 1988 pending before the Learned Additional Sessions Judge, 2nd Court, Kolkata ;

b) Direction be given upon the respondents to furnish the copy of the Memo. No. 113/Dy.S.P.(O/C)/ACB WB/2016 dated 27.11.2016 which is Document No. 2 of the List of Documents in Annexure - III of the Memorandum of Charges ;

c) Direction be given upon the respondents to permit the applicant to take assistance of legal practitioner to represent the applicant in the departmental proceedings ;

d) Direction be given upon the respondents to transmit and produce all relevant documents

of the case so that conscionable justice to be rendered to the applicant.

e) Any other relief or reliefs to which the applicant is entitled be directed to be granted and/or pass such other order and/or further order for the ends of justice.”

3. The respondents before the Tribunal (State of West Bengal) is the writ petitioner and has filed the writ petition challenging the order of the West Bengal Administrative Tribunal (SAT) in O.A. 450 of 2017. By an order dated 07.03.2025 the Tribunal has disposed of the Original Application in the following terms:

“As such, the instant application is not tenable in the eyes of law and is quashable and is quashed and set aside. Keeping in view the withdrawal of suspension by the Review Committee chaired by Chief Secretary and allowances, salary and other benefits given to the applicant as per ROPA, 2019, the Respondent No. 1, the Additional Chief Secretary, Department of Finance is directed to treat the suspension period as “Spent on duty” and his arrears, if any, be released expeditiously but positively within three months from the date of communication of this order.

The application is disposed of.”

4. Prior to such a finding being recorded by the Tribunal, the Tribunal has examined and gone into various documents being relied upon by the parties.
5. The learned AGP for the State has raised the issue regarding the Tribunal recording findings with respect to the pending departmental proceedings which according to him is beyond the scope of judicial review and, therefore, the order is required to be set aside.

6. The learned senior counsel for the applicant/respondent on the other hand submits that several submissions were advanced on behalf of the applicant including vagueness of the charge, based on which the proceedings were conducted against the petitioner under a charge memo dated 24.01.2017. The Tribunal was also well within its jurisdiction to examine the various documents placed by the applicant before the Tribunal.
7. Upon consideration of the rival submissions of the parties, and considering the order of the Tribunal, extracted above, we are of the view that the matter is required to be reconsidered by the Tribunal since no definite finding has been recorded by the Tribunal in respect of the relief sought for in the O.A., even though various documentary evidence and several arguments advanced on behalf of the parties has been noted in the order.
8. In view of the nature of submissions advanced in the proceedings today we refrain from expressing any opinion on the merits of the submissions advanced by the learned advocates, all of which are left open for consideration by the Tribunal. The matter in our opinion also requires a fresh consideration in view of nature of findings returned by the Tribunal. We, therefore, remand the matter to the SAT for consideration afresh. The Original Application be

restored to its original file. For facilitating reconsideration, we set aside the order of the Tribunal dated 07.03.2025.

9. We further make it clear that the Tribunal shall proceed with the matter keeping in view the order dated 06.11.2017 passed in W.P.S.T. 92 of 2017.

10. The writ petition stands disposed of.

11. The parties will appear before the Tribunal within fortnight from date. The Tribunal is expected to proceed with the matter expeditiously and without any unnecessary adjournment or undue delay.

12. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)