

17.03.2021.
Item no. 14.
Court No. 13
ap

W.P.A. No. 7863 of 2018
With
I.A. No. CAN 1 of 2018 (Old CAN 5835 of 2018)

Shri Asim Roy
Versus
The State of West Bengal & Ors.

Mr. Jagadish Ranjan Das.
..For the petitioner.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali.
...For the S.B.S.T.C.

In Re: CAN 5835 of 2018 (Restoration)

Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 4th July, 2018 before this Court (Dr. Sambuddha Chakrabarti, J.).

The said order is recalled and the writ petition is restored to its file and number.

Accordingly, CAN 5835 of 2018 is disposed of.

There will be, however, no order as to costs.

In Re: W.P.A No. 7863 of 2018

The subject matter of challenge in the instant writ application is an order dated 26th December, 2011 passed by the Divisional Manager, Durgapur Division/SBSTC.

By the impugned order, the petitioner was removed from service after a regular departmental enquiry. The petitioner was found to have allowed

passengers into the bus and had not duly issued tickets.

A complaint, in this regard, was received by the Management. The petitioner was placed under suspension on and from 12th February, 2010 and a charge-sheet was issued to him thereafter.

Regular Departmental Enquiry was conducted and the petitioner was found guilty for violation of Rules 25(1), 25(2) and 25(6) of the '**SBSTC Employees Service Regulations**'. The petitioner was removed from service by order dated 26th February, 2012.

It appears from the records that the petitioner was offered a chance to cross-examine the prosecution witnesses but chose not to.

The petitioner by a letter dated 6th February, 2012 after the order of removal was passed, made a representation to the Authorities seeking copies of the complaints, depositions and cross-examination of the witnesses, documents and Circulars relied upon and produced in course of the enquiry and the findings of the Enquiry Officer. Such a request made after the final order is passed and is of no consequence.

The writ petitioner was silent until the year 2017 when he approached the West Bengal State Administrative Tribunal. The Tribunal vide order dated 26th October, 2017 refused to entertain the application being O.A. No. 506 of 2017 on the ground that the petitioner did not hold a Civil Post within the meaning

of Section 15(a) of the Administrative Tribunals Act, 1985. Hence the Writ Petition was filed in the year 2018.

This Court further notes that the petitioner is guilty of gross delay and laches. He has not pursued his remedies against the Termination order from 2011 until 2017 when he approached the West Bengal State Administrative Tribunal.

The petitioner has approached this Court in the year 2018. The delay of about six years in seeking judicial remedies against the order of removal is indeed fatal.

Hence, no relief can be granted to the writ petitioner in this writ application.

In view of the above, the instant writ petition must fail and is hereby dismissed.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)