

October 09, 2020
ARDR

WPA 7282 of 2020 + CAN 1 of 2020

Piali Saha
Vs.
The State of West Bengal & Ors.

Mr. Samrat Sen,
Mr. Chiranjib Sinha,
Mr. Swarup Banerjee,
...for the petitioner.
...for the State.

The grievance of the petitioner is directed against an order dated 22nd June, 2020 being Annexure P-7 at page 75 to the petition. The petitioner also relies on an order dated 26th August, 2020 passed by a learned Single Judge of this Hon'ble Court in a similar matter.

The primary grievance of the petitioner is directed against paragraphs 2 and 3 of the impugned order.

It is submitted on behalf of the petitioner that having held that the appeal was not maintainable the observations made in paragraphs 2 and 3 of the impugned order were unjustified and without jurisdiction.

Counsel appearing on behalf of the respondents fairly submits that paragraphs 2 and 3 can be ignored by the authorities while disposing off the proceedings which are pending against the petitioner. It is further submitted by the respondents that the matter is

pending before the Disciplinary Authority and the Enquiry Officer has substantially carried out the investigation.

In view of the submissions made on behalf of the parties, the present writ petition is disposed off by directing that the Disciplinary Authority will not give any weight to paragraphs 2 and 3 of the impugned order dated 22nd June, 2020 in considering the case of the petitioner.

The petitioner is at liberty to raise all other questions of law before the Disciplinary Authority in accordance with the law.

I make it clear that, I have not gone into any other allegation contained in the petition and all other issues are left open before the Disciplinary Authority to be decided in accordance with the law.

I further make it clear that paragraph 2 and 3, will be ignored by the Disciplinary Authority in deciding the proceedings against the petitioner.

With the aforesaid observations, WPA 7282 of 2020 and CAN 1 of 2020 are disposed off. However, there will be no order as to costs.

(Ravi Krishan Kapur, J.)