

23
24.01.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

WPA 96 of 2020

Sandip Pal.
Vs.
State of West Bengal & Ors.

Mr. Jagriti Mishra.....for petitioner

Mr. Debabrata Dhar
Ms. Paramita Shau... for State

The petitioner, who was working as a Nirman Sahayak in Mahis Kuchi Gram Panchayat, has preferred this writ petition challenging the prolonged suspension without initiation of a disciplinary proceeding.

Mr. Mishra, learned Advocate appearing on behalf of the petitioner submits that the authorities have failed to initiate a disciplinary proceeding within a particular period. The prolonged suspension was punitive in nature and the same should be revoked and cancelled and the petitioner should be allowed to join in service.

Mr. Dhar, learned Advocate appearing on behalf of the State-respondents submits that the petitioner was not suspended in contemplation of a disciplinary

proceeding but because a criminal investigation against him was going on. He submitted that the service rules applicable to the petitioner provides that an employee against whom a criminal investigation or trial was going on, or who was in custody for more than 48 hours on account of arrest in relation to such criminal proceeding, may be suspended.

At this juncture, learned Advocate for the petitioner submits that the petitioner has made a representation before the District Magistrate, Cooch Behar, being the respondent No. 3 herein dated November 07, 2019 praying for consideration and/or review of the order of suspension and reinstatement of the petitioner.

This Court without going into the merits of the writ petition disposes of the same with a direction upon the respondent No. 3 to consider the representation of the petitioner in accordance with law and pass a reasoned order which should be communicated to the petitioner.

The entire exercise should be completed within four weeks from the date of communication of this order.

The writ petition is accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon observance of requisite formalities.

(SHAMPA SARKAR, J.)