

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/205/2020

BABLU DAS
Versus
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE SHIVAKANT PRASAD
Date : September 24, 2020.

Appearance:
Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.
....Petitioner
Mr. Biswaroop Biswas, Adv.
....Respondent nos. 6 & 8.

The Court : The petitioner, a primary school teacher, was suspended on the allegation that the petitioner was attending the school in an intoxicated state. Pursuant to such allegation an enquiry was initiated by the Chairman, District Primary School Council, North 24 Parganas and it is still not concluded in view of the pandemic situation due to Covid-19. It would appear from the order dated 6th February, 2020 passed by a Coordinate Bench of this Hon'ble Court that the allegation was refuted before this Hon'ble Court by Mr. Bhattacharya with the submission that the petitioner was suffering from certain ailments and as such he was taking homeopathic medicines which have an alcoholic smell because some homeopathic medicines are embedded in alcohol with certain percentage.

A medical report of the petitioner was prepared with the statement “alcoholic smell from his mouth”.

Be that as it may, as the alcoholic smell was found from the mouth of the petitioner, on 2nd August, 2019 the suspension order was issued. The enquiry proceeding is pending for more than six months. Though he is getting subsistence allowance of 50% but the same is required to be increased by 75% of the salary in respect of the fact that the enquiry has not been concluded within six months from the date of his suspension. A representation was so made by the petitioner before the Chairman in-charge, District Primary School Council for increase of his subsistence allowance to the tune of 75% but no decision has yet been taken.

Mr. Biswas, learned Advocate appears for the respondent nos. 6 and 8 submits that the Chairman has already received the representation and he has given instruction that the representation will be considered on the basis of the enquiry report. As per the norms the Chairman should attend the representation made by the petitioner because six months period of conclusion of enquiry has elapsed and the petitioner is entitled to subsistence allowance to the tune of 75%. The instruction received from the Chairman in-charge, District Primary School Council, North 24 Parganas dated 24.08.2020 has been placed before the Court be kept with the record.

Accordingly, the instant writ petition is disposed of with the direction on the Chairman in-charge, District Primary School Council, North 24 Parganas to consider the representation of the petitioner in the matter of subsistence

allowance payable under rules till the conclusion of the enquiry proceedings and to do the needful as per the Rules.

(SHIVAKANT PRASAD, J.)

sg.