

25-06-2021

ct no. 13

Sl.1

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**WPA 3243 of 2021**  
**With**  
**CAN 1 of 2021**  
**Nayan Sarkar**  
**-Versus-**  
**State of West Bengal & Ors.**  
  
**(Through Video Conference)**

**Mr. Avishek Prasad,**  
**Ms. A. Dey**

**....for the petitioner**

**Mr. Sarajit Sen**

**....for the respondent no.6**

CAN 1 of 2021 has been filed seeking modification of the order dated February 25, 2021, particularly, extension of time to complete enquiry against the writ petitioner.

It is submitted by the counsel for the applicant-society that the enquiry could not be completed in view of the pandemic.

Counsel for the respondents submits that the application contains incorrect and untrue statements. It is also submitted that the society, contrary to the order dated February 25, 2021, has not permitted the petitioner to reply to the composite charge sheet issued to him. The petitioner was also not supplied documents as submitted by the counsel.

Although this Court is unable to accept the reasons for not being able to complete the enquiry, in the interest of justice, the time to complete enquiry against the petitioner is extended for a period of one month from 7<sup>th</sup> July, 2021. The time frame is mandatory and peremptory.

It is made clear that in the event, the enquiry is not completed within one month the proceedings against the petitioner shall stand automatically quashed.

However, if the proceedings are complete within the period of one month, the final order that may be passed by the respondent shall not be given effect to without the leave of this Court. The delay committed by the society cannot be attributable to the petitioner. The society shall pay the petitioner his last drawn salary for a period of 5 months from February 2021 till July 2021 less any amount already paid to him.

The period of one month indicated hereinabove, shall commence from 7<sup>th</sup> July 2021. The petitioner shall, within two days from date, be supplied all documents referred to and relied upon by the society in the charge sheet. He shall therefore file a reply to the composite new chargesheet on or before 7<sup>th</sup> July 2021.

The enquiry shall be conducted strictly in terms of the principle of natural justice.

The enquiry shall be held on a day to day basis and no unnecessary adjournment shall be taken by any of the parties. The completion of the enquiry in this case would essentially mean passing of the final order by the disciplinary authority.

The writ petitioner shall file Affidavit in opposition within 2 weeks. Reply may be filed by the Society within a week thereafter.

Let this matter stand adjourned and be listed on August 6, 2021.

The aforesaid order is passed strictly without prejudice to the rights of the petitioner insofar as the CAN 1 of 2021 is concerned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**