

DL. August 23,
8. 2021

Through Video Conference

W.P.C.T. 26 of 2021

Mr. Kausik Kanti Maiti,
Ms. Aishwary Rajashree,
...for the petitioner.

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha,
Mr. Sabyasachi Roy Chowdhury,
...for the respondents no. 1 and 2.

After hearing the learned advocates appearing for the parties, in our view, the only modification which requires to be made in the impugned order is that instead of the appellate authority, the disciplinary authority shall reconsider the matter in terms of the direction passed by the tribunal.

The order passed by the disciplinary authority on April 29, 2013 and the order passed by the appellate authority on September 12, 2013 (issued on December 18, 2013) are set aside. It is a fact that the cases of Sri S. Nithyanandam and Sri U. B. Mukherjee were decided during the pendency of the original application and accordingly the said decision could not have been considered by the authorities in taking decision in respect of the original applicants. However, in view of the similarity of facts, uniform decision is required to be taken to avoid any arbitrariness.

Accordingly, the matter shall be considered afresh by the disciplinary authority after taking into consideration the findings arrived at in the cases of Sri S. Nithyanandam and Sri U. B. Mukherjee and shall pass appropriate order at par with those two

cases, which prima facie appear to be similar in nature.

With the aforesaid modification, the writ petition stands disposed of without any order as to costs.

Photostat certified copy of this order, if applied for, will be made available to the applicant within a week from the date of putting in the requisites.

(Soumen Sen, J.)

dns

(Hiranmay Bhattacharyya, J.)