

S/L 12
25.08.2021
Court. No. 19
GB

WPA 12656 of 2021

Motiur Rahaman
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya.

...for the Petitioner.

Mr. Raja Saha,
Ms. Tanusri Chanda.

...for the State.

The petitioner has challenged the initiation of a disciplinary proceeding against him by the Block Development Officer and Executive Officer, Sagardighi Panchayat Samity for certain acts of alleged misconduct.

According to Mr. Bhattacharya, learned advocate appearing on behalf of the petitioner, the responsibility to check and verify the eligibility of persons applying for the benefit under the Rupasree Prakalpa is with the Block Development Officer and the petitioner has been made a scapegoat. The Block Development Officer in order to cover up his own laches, omissions and irregularities, initiated the proceeding against the petitioner. It is submitted that the entire enquiry committee, set up to enquire into the matter was appointed with *mala fide* intention. He has raised a question of bias of the disciplinary authority.

The issues raised by the petitioner are questions of facts, which have to be proved in the enquiry. The petitioner

has not yet filed his written statement to the charge-sheet. At this juncture, the proceeding cannot be interfered with. The petitioner shall be entitled to file his written statement to the charge-sheet within a period of one month from date. The disciplinary proceeding shall continue in accordance with law. All the points raised by the petitioner in the writ petition may be raised in the disciplinary proceeding. The disciplinary proceeding should be concluded within a period of four months from date of receipt of the written statement of the petitioner in accordance with law. The petitioner shall be entitled to the subsistence allowances during the period of suspension only if the service rules and norms applicable to the petitioner provides for the same.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)