

05.10.2021
SL No. 15
Court No. 24
(P.M.)

WPA 15780 of 2021

**Pijush Kanti Ghosh & Ors.
Vs
Union of India & Ors.
(Via Video Conference)**

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Akash Deep Mukherjee,
Mr. Sayan Banerjee,
Mr. Ankur Sharma,
Mr. S. Dey
... for the petitioners

Mr. Victor Chatterjee,
... for Visva Bharati

Md. Zubain Alam
.. for respondent No. 5

The petitioners, suspended employees of Visva Bharati, are aggrieved by the direction whereby they have been required to report every working day (except on the days when they are out of station on permission) to the Assistant Registrar (establishment) at the time mentioned against each for recording their presence at the station/headquarter.

The petitioners have relied upon the provisions whereby suspended Government servant should not be asked to mark attendance. The provision mentions that the Government employees under suspension is not required to attend office and hence is not entitled to transport allowances during suspension.

Admittedly, the petitioners are all suspended employees. Suspension of work implies that the employee concerned is not required to report to office.

The idea is to ensure that the suspended employee does not influence, interfere or tamper with the evidences which are required for the purpose of free and fair enquiry that is pending against them.

The office order requires that the petitioners should not leave the station/headquarter. The petitioners will be bound by the said order not to leave station/headquarter without prior permission of the concerned authority. But at the same time the petitioners cannot be directed to report on each working day before the concerned authority.

In view of the above, the direction issued to the suspended employees to report every day at the time mentioned for recording their presence is bad in law and is liable to be set aside and is accordingly set aside.

The suspended employees, however, will not be permitted to leave station/headquarter without obtaining prior permission from the concerned authority.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(**Amrita Sinha, J.**)