

09.03.2021.
Item no. 125.
Court No.13
ap

**W.P.A. No. 14738 of 2018
(Through Video Conference)**

**Kartick Chandra Gayen
Versus
The State of West Bengal & Ors.**

Mr. Sudarshan Ghosh.

...For the petitioner.

Mr. Manas Kumar Kundu.

...For the State.

By an order dated 10th May, 2013, the petitioner was suspended from service pending departmental proceeding. The petitioner was subsequently charged with misappropriation for a sum of Rs.11,63,444/- out of the M.G.N.R.E.G.S. funds of Masjidbati Gram Panchayat.

The petitioner was functioning as an Executive Assistant at the relevant point of time in the Gram Panchayat. Criminal proceedings are also pending in the same context. However, despite the order of suspension and pendency of the departmental proceeding, the petitioner claimed that he has been allotted duties.

A Co-ordinate Bench of this Court by an order dated 17th January, 2019 directed the District Magistrate to enquire into the propriety of the order allotting the petitioner's duty after he was suspended from service.

Admittedly, departmental proceeding against the petitioner is still pending and no final order has been passed.

The petitioner shall not be allotted any duty until the conclusion of the departmental enquiry.

It is ordered that the final order in the departmental proceeding against the petitioner would be passed within a period of four months from date.

The aforesaid period of time is allowed in view of the forthcoming Assembly Election in the State.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)