

22.11.2021
Sl. No.13
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17762 of 2021

Asif Fouzdar
Vs.
Principal Secretary, Home Department & Ors.

Mr. Soumyajit Bhatta,
Mr. Sujit Kumar Ghosh
....for the petitioner.

Ms. Sutapa Sanyal,
Ms. Susnita Saha
....for the State.

Affidavit of service filed in Court today is taken
on record.

The petitioner while working as a Civic Volunteer
under Bhatar Police Station, District – Purba
Burdwan, was implicated in three criminal cases,
being Bhatar P. S. Case No.152/2015 dated 18th
June, 2015, Bhatar P.S. Case No.206/2015 dated
14th August, 2015 and Bhatar P.S. Case No.301/2015
dated 4th December, 2015 and had been charged with
offences under various Sections. Charge sheet has
been filed in all the three cases.

The petitioner says that he has been acquitted
from Bhatar Police Station cases respectively in
Bhatar P. S. Case. No.152 of 2015 dated 18th June,
2015 and No.206 of 2015 dated 14th August, 2015.
Petitioner is on bail in respect of Bhatar P. S. Case
No.301 of 2015 dated 4th December, 2015.

It is the allegation of the petitioner that without any show-cause, the petitioner has been restrained from joining his duties. The petitioner challenges such action on the part of the respondents.

On behalf of the respondents it is submitted that the petitioner stopped attending his duty since the registration of the first case, being Bhatar P.S. Case No.152 of 2015 dated 18th June, 2015. The third criminal case as submitted by the respondents is pending. The Superintendent of Police, Purba Bardhaman, after considering the petitioner's conduct through an e-mail dated 29.10.2021 addressed to Officer-in-Charge, Bhatar Police Station, has directed the petitioner to be demobilized until further orders.

The fact remains that a Civic Volunteer, on a contractual engagement which is also on temporary basis like the petitioner, cannot question the action on being demobilised when he is admittedly an accused in at least one criminal case which is pending. Three police cases have been initiated against the petitioner within six months. The petitioner also did not join his duties since 18th June, 2015 probably to avoid being arrested. It is not unusual for the employer to lose confidence and reliance on a Civic Volunteer like the petitioner who is to assist the police authorities. The conduct of the

petitioner is such that the employer can consider him to be disentitled to continue as a Civic Volunteer, assisting the police authorities.

The petitioner is, therefor, not entitled to any of the reliefs claimed in the writ petition. The writ petition is accordingly dismissed without any order as to costs.

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

(Arindam Mukherjee, J.)