

15.07.2021
(S/L-07)
Ct.-24
(Susanta)

(Via Video Conference)

W.P.A. 9407 of 2020

Bidyut Kumar Sarkar
-Vs-
The Visva Bharati & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw,
..... For the Petitioner.

Mr. Soumya Majumder,
Mr. Victor Chatterjee,
... For the Visva Bharati.

The petitioner is an employee of the
Granthana Vibhaga, Visva-Bharati University.

A disciplinary proceeding was initiated
against him and by an order dated 4th July, 2020
the Registrar (Officiating), Visva-Bharati placed
him under suspension with immediate effect. The
petitioner is still under suspension.

The petitioner submits that the Inquiry
Officer who was initially engaged to conduct the
enquiry refused to act as the Inquiry Officer and
thereafter another Inquiry Officer was engaged
who has also recused himself.

According to the petitioner, an employee
ought to have been kept under suspension for an
indefinite period of time.

The petitioner prays for a direction upon the University to permit him to join duties.

The petitioner further submits that he has received his subsistence allowance till June 2021.

The learned advocate representing Visva-Bharati submits, upon instruction, that the Inquiry Officers who were engaged found it difficult to conduct the enquiry over the virtual platform and accordingly, they have recused themselves. Steps have been taken for engagement of another Inquiry Officer.

The Court has been assured that the disciplinary proceeding will be concluded at the earliest.

Upon hearing the submissions made on behalf of the parties and upon perusal of Rule 27 of the Service Rules, it appears that the disciplinary proceeding ought to have been completed within a period of six months from the date when the employee was suspended.

In the instant case, the petitioner was suspended by an order dated 4th July, 2020. More than a year is over by now. The university ought to have completed the disciplinary proceeding by this time.

The instant writ petition is disposed of by directing the University to take all possible steps

to ensure that the disciplinary proceeding is concluded at the earliest, but positively within a period of four months from the date of communication of a copy of this order.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)