

5.3.2021

ASR

70.

WPA 10163 of 2020

**Gadadhar Kundu
Versus
The State of West Bengal & Ors.**

**Mr. Anindya Bose
Mr. Diptendu Mondal
.....for the Petitioner**

**Mr. Ranjan Saha
.....District Primary School Council,
Paschim Midinipur**

Heard the learned counsel for the parties.

In this writ petition the petitioner has challenged the impugned suspension order dated 9th November, 2020 as it appears at page 20 being annexure P 3 to the writ petition.

It is the grievance of the petitioner that this suspension order has been passed on 9th November, 2020 but till date he has not been paid any subsistence allowance as per rules though the respondents suspending authority in the aforesaid impugned order has agreed to pay the subsistence allowance and it is also the grievance of the petitioner that he cannot be kept under suspension for an indefinite period as per relevant rules and the decision of this Court passed in the case of ***Birbhum District Primary School Council and Anr. -Vs. - Md. Mokhtar Hossain & Ors. reported in CHN 476 (2009) Vol 1 page 476.***

The petitioner also submits that he has made a representation for redressal of his grievance on 18th November, 2020 as appears at page 21 as annexure p 4 of the writ petition and it is the allegation of the petitioner that the respondents concerned are sitting over the representation and no action has been taken till date.

Considering the submission of the parties this writ petition is disposed of by directing the Chairman-in-charge, Paschim Midinipur, District Primary School Council to consider and dispose of the aforesaid representation dated 18th November, 2020 in accordance with law by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioner or his authorised representative within the eight weeks from the date of communication of this order and to communicate the decision to the petitioner within two weeks thereafter and the Chairman-in-charge will also see that the subsistence allowance, if already not paid, should immediately be paid subject to compliance of all formalities.

With the aforesaid direction the writ application being no. (WPA 10163 of 2020) is disposed of.