

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1098 of 2021

Ranjan Kumar Saha
Vs.
Union of India & Ors.

Mr. Achin Kumar Majumder
Mr. Pratik Majumder
... For the petitioner

Mr. Partha Ghosh
Mr. Amal Kumar Datta
... For the respondents

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

The petitioner has challenged the memorandum dated 19th March, 2021 connoted as a charge sheet along with the statement of charge and the statement of imputation. The petitioner says that the petitioner has been prevented from filing his response to the charge sheet and the Inquiry Authority is proceeding with the inquiry treating the same to be without any reply. The case is such that the interference to the charge sheet is required although the scope of interference may be very limited. This fact is, however, disputed by the advocate appearing on behalf of the respondents.

On behalf of the respondents, it is submitted that the petitioner has filed a response which may not be the

reply according to the petitioner. If the petitioner has not to file a reply, the respondents cannot be blamed for the same. The petitioner has also participated in the inquiry proceedings. The charge sheet is dated 15th March, 2021 and the writ petition has been filed only on 8th July, 2021 and, as such, the petitioner did not approach this Court challenging the charge sheet dated 15th March, 2021 immediately. This delay, according to the respondents, disentitles the petitioner from an interim order. According to the respondents, despite being afforded all opportunities, if the petitioner has not filed the reply to the charge sheet and has participated in the inquiry proceedings, the petitioner is not entitled to maintain this writ petition as the inquiry proceeding has to be brought to a logical conclusion and the scope of interfering with regard to the charge sheet is very limited.

After considering the submissions made by the parties and the materials on record, I find that there are claims and counter-claims. The fact remains that the inquiry proceedings has to be brought to a logical conclusion by affording the petitioner a reasonable opportunity of hearing. Without going into the dispute as to whether a reply has been filed or not and the petitioner has participated in the proceeding, it is undisputed fact that the final order has not yet been passed. In my view, justice will be subserved if the writ petition is disposed of by passing the following order as the same will narrow down the scope of future litigation between the parties:-

(i) The writ petitioner shall file his reply to the charge sheet by 16th September, 2021. In the reply, the petitioner will be at liberty to include the grounds of challenge in this writ petition.

(ii) The Inquiry Officer/authority shall, after considering the petitioner's reply, proceed further in the inquiry proceedings afresh by treating the earlier proceedings and/or orders to have not been passed and/or of no effect.

(iii) The inquiry proceedings shall be brought to a logical conclusion after affording the writ petitioner a reasonable opportunity of hearing.

The petitioner will be at liberty to avail all the grounds of challenge taken in the instant writ petition as against the subject charge sheet before the Inquiry Officer and in any subsequent proceedings before any court/forum challenging the final order of the Disciplinary Authority that may be passed in the inquiry proceedings to bring the same to a logical conclusion. I have not gone into the merits of the matter and the Disciplinary Authority shall decide the matter independently without being influenced in any manner by the instant order.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)