

Item No. 120

22.02.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
(via video conference)

WPA 2601 of 2022  
Partha Sarathi Mahato  
v.  
The State of West Bengal & Ors.

Mr. S. Ali Mondal  
Mr. Syed Nazmul Hossain  
Ms. S.M. Sahin  
... for the petitioner.

Mr. Samrat Sen  
Mr. Nilotpal Chatterjee  
... for the State.

The petitioner was an MR Dealer. By a show cause/suspension notice dated May 29, 2014 issued by the Sub-Divisional Controller (F& S), Purulia, his license was kept under suspension until the departmental proceeding is over.

According to the petitioner he submitted the reply to the show cause but thereafter the petitioner was not communicated anything with regard to the departmental proceedings.

A First Information Report was lodged against the petitioner in June 2014. The petitioner submits that the criminal case initiated against him was finally disposed of by the learned Court on September 3, 2021 and the

petitioner was found not guilty of the offences and acquitted under the provisions of law.

The petitioner after being acquitted in the criminal case filed a representation before the Sub-Divisional Controller praying for revocation of the order of suspension.

The petitioner alleges that the said representation received by the office of the Sub-Divisional Controller on September 16, 2021 has not been considered till date.

Learned advocate representing the State respondents submits, upon instruction, that a departmental proceeding was initiated against the petitioner and his licence stood terminated long back.

It has further been submitted that acquittal of the criminal case will ipso facto not give right to the petitioner to pray for revocation of the order of suspension or the order of termination.

It is settled law that the departmental proceeding and the criminal proceeding are two independent proceedings and they apply in two different fields.

The petitioner appears to have been acquitted in the criminal case. There is nothing on record to show that the disciplinary proceeding was actually initiated against the petitioner. Learned advocate of the petitioner submits that no decision with regard to the termination of his licence has ever been communicated to him.

In view of the above, the writ petition is disposed of by directing the Sub-Divisional Controller (F&S), Purulia to take a decision with regard to the representation filed by the petitioner on September 16, 2021 strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The aforesaid respondent shall afford a reasonable opportunity of hearing to the petitioner and pass a reasoned order and communicate the same to the petitioner immediately thereafter.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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**(Amrita Sinha, J.)**