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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2710 of 2022

Suresh Chandra Barman
Vs.
The State of West Bengal & Ors.

Mr. Anirban Banerjee,
Ms. Sahili Dey
.... For the petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Rajlakshim Ghatak
... For the State.

Mr. Amit Kumar Nag,
Mr. Maharnab Roy
... For the respondent nos. 2 and 3.

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

The petitioner is an Assistant Engineer (Civil), in West Bengal Industrial Infrastructure Development Corporation (in Short, "WBIIDC"). The petitioner has been issued a show-cause on 25th January, 2022, directing him to reply to the show-cause within fifteen days. The petitioner was also on that date i.e. on 25th January, 2022 issued an order of suspension. The allegation against the petitioner is long absenteeism without any proper explanation. The petitioner has not replied to the show-cause despite lapse of fifteen days time period provided for this. The petitioner is to retire today, i.e. on 28th February, 2022 on attaining the age of superannuation.

In the aforesaid facts and circumstances, I direct

the WBIIDC to process the retiral benefits of the petitioner on his retirement and disburse the amounts which can be released despite pendency of the show-cause and suspension in accordance with the applicable service rules.

So far as the reply to the show-cause is concerned, the petitioner's representation dated 2nd February, 2022, addressed to the Chief Executive Officer & Appointing Authority, WBIIDC, should be treated as his reply to the show-cause dated 25th January, 2022. The reply to the show-cause should be considered and disposed of within three weeks from date. Depending upon the view taken by WBIIDC on the basis of the explanation given in the reply to the show-cause, future course in the matter will follow as a consequence thereof.

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 by the respondents.

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

(Arindam Mukherjee, J.)