

26
11.03.2022
Court No. 23
d.g.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3701 of 2022

Sri Sushanta Kumar Bakshi
Vs.
Union of India & Ors.

Mr. Lakshmi Narayan Banerjee.

... for the petitioner

Mr. Tarunjyoti Tewari.

... for the U.O.I.

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

The petitioner while working as a Sub-Inspector in Central Reserve Police Force (in short "C.R.P.F.") faced a departmental enquiry, which culminated into an order of his compulsory retirement. The order of the disciplinary authority is dated 25th August, 2021. The petitioner has challenged the said order in a statutory appeal before the Appellate Authority in terms of the applicable Service Rules. The petitioner says that though the appeal was filed on 27th August, 2021 the same has not been heard as yet. The petitioner further says that the applicable rule mandate the appeal to be disposed of within a specific time limit. The petitioner, inter alia, has challenged the order of the disciplinary authority and the action of the Appellate Authority in the instant writ petition. Since the petitioner has already preferred an appeal

without hearing the writ petition on merit, I think justice will be sub-served at this stage if I direct the Appellate Authority to dispose of the petitioner's appeal filed on 27th August, 2021 by 10th May, 2022 after affording the petitioner a reasonable opportunity of hearing as permissible under the applicable rules.

It is made clear that the parties and the Appellate Authority shall act on the basis of the server copy of this order without insisting upon production of a certified copy thereof and further shall cooperate in having the appeal disposed of within the time frame provided.

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 affidavit, 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.)