

24.
8.06.2022
S.D.

W.P.A. 4641 of 2021

Gopal Kumar
Vs.
The Visva Bharati & Ors.

Mr. Anjan Bhattacharya

..For the petitioner.

Mr. Pranit Bag

Mr. Anuj Kumar Mishra

...For the University.

The petitioner was suspended by an order dated 5.11.2020 by the University in contemplating of a disciplinary proceeding initiated against him.

The order was categorically clear that the suspension will continue till conclusion of the disciplinary proceeding or until further order, whichever is earlier.

It appears that by a subsequent order dated February 5, 2021, the subsistence allowance of the petitioner was enhanced, but curiously it was mentioned in the said order that competent authority considering all facts decided to extend the period of suspension for another three months with effect from February 5, 2021 in continuation of earlier period of suspension.

Mr. Anjan Bhattacharya, learned advocate appearing for the petitioner submits that in fact the petitioner was allowed to join

his duty on February 6, 2021 and performed his duties for two to three days.

The said facts have been denied by the University in their opposition.

I need not go into the disputed facts. In my view, the extension of suspension period by the order dated February 5, 2021 was absolutely unnecessary since the original suspension order was clear and unambiguous that it will continue till conclusion of the disciplinary proceeding or until further order.

The petitioner is admittedly getting subsistence allowance to the extent of 75% of his basic salary. It has been submitted by Mr. Bag that enquiry report had already been submitted.

At this juncture, I am not inclined to interfere with the suspension order.

I dispose of this writ application giving direction upon the University Authorities to conclude the disciplinary proceeding in accordance with law within a period of four months from date.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties as early as possible upon compliance of all formalities.

(Kausik Chanda, J.)

