

03. 23.02.2022
Ct. No.06
Tanmoy

F.M.A. 856 of 2021
(M.A.T. 453 of 2021)
With
IA No: C.A.N. 1 of 2021

**Fulia Tangail Shari Bayan Silpa Samabaya Samity
Limited & Ors.**

**-Versus-
The State of West Bengal & Ors.**

(Through Video Conference)

Mr. Partha Pratim Roy, Adv.

...for the appellants.

Mr. Raja Saha, Adv.,
Ms. Rupsha Chakraborty, Adv.

...for the State.

Mr. Soumyadeep Biswas, Adv.

...for the respondent/writ petitioner.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

The writ petitioner is an employee of Fulia Tangail Shari Bayan Silpa Samabaya Samity Limited, a Co-operative Society. The Society issued a show-cause notice to the writ petitioner/respondent on November 18, 2018. The allegations were that the writ petitioner was being absent without leave and also indulged in falsification of the Attendance Register. The writ petitioner challenged the suspension order by way of W.P.A. 6511 of 2019. By the impugned order dated

March 9, 2021, the learned Single Judge quashed the order of suspension and directed the writ petitioner to be reinstated in service forthwith. The reason for which the learned Judge passed such order was that the writ petitioner had been kept in suspension for a very long period of time without there being any disciplinary proceedings. This is impermissible in law. Suspension order is normally passed in contemplation of disciplinary proceedings. Being aggrieved, the Co-operative Society is in appeal before us.

We are told by learned Advocate for the appellants that the disciplinary proceedings have progressed substantially and the Inquiry Officer has also submitted his report holding that the charges have been proved against the writ petitioner. If that be so, we fail to understand, what prevents the appellant Society from carrying the disciplinary proceedings to its logical conclusion, subject of course, to any right that the writ petitioner may have to challenge the enquiry report or the punishment that the disciplinary authority may impose on him, before the appropriate forum, in accordance with law.

We are of the view that as the impugned order stands, there is no infirmity therein. Indeed, the writ petitioner had been kept under suspension for more than two and a half years without there being any progress in the disciplinary proceedings. We do not

propose to interfere with the order under appeal. However, as we have clarified above, the appellant Society will be at liberty to carry the disciplinary proceedings to its logical conclusion, in accordance with law.

The appeal being F.M.A. 856 of 2021 and the connected application being IA No: C.A.N. 1 of 2021 are accordingly disposed of.

Let urgent photostat certified copies of this order, if applied for, be supplied to learned Advocates for the parties, upon compliance with all usual formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)