

WPA No.15388 of 2021

Biswajit Malik
Vs.
The State of West Bengal and others

Mr. Suman Chakraborty
.... for the petitioner

Mr. Pinaki Dhole,
Ms. Tanusri Pal Chowdhuri
.... for the State

Learned counsel for the petitioner argues that the petitioner is financially weak and is suffering miserably due to suspension from his job as a Manager of the Co-operative Society-in-question. The ground of such suspension was that a criminal trial is going on, *inter alia*, under Section 302 of the Indian Penal Code, against the petitioner.

It is contended that, despite representation having been given by the petitioner, the petitioner has still been kept under suspension, which is financially affecting the petitioner and his family.

Learned counsel appearing for the respondents places reliance on Rule 16(b) of the West Bengal Co-operative Societies Rules, 2011 (hereinafter referred to as “the 2011 Rules”), which says that an employee of a

Co-operative Society may be placed under suspension where a case against him in respect of any criminal offence is under investigation or trial.

As such, it is contended that the suspension has rightly been continued by the respondent-authorities.

It is evident from the suspension letter dated February 13, 2020 issued by the Co-operative Society to the petitioner that Rule 16(b) of the 2011 Rules was specifically quoted in the suspension letter.

Since it is an admitted position that the trial of the criminal case against the petitioner is still going on, the authorities were well within their power, as conferred by Rule 16(b) of the 2011 Rules, to continue the suspension of the petitioner till the trial is over.

In such view of the matter, despite having full sympathy for the petitioner in view of his financial condition, no interference can be effected by the writ court under Article 226 of the Constitution of India.

Accordingly, WPA No.15388 of 2021 is dismissed without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)