

11.02.2022
Item No. 19
Crt.No.11
b.r.

MAT 1259 of 2021
with
IA No. CAN 1 of 2021

Samrat Ghosh
-vs-
The State of West Bengal & Ors.

(Via video conference)

Mr. Sukumar Ghosh
Mrs. Moumita Ghosh
..... for the appellant.

Mrs. Jhuma Chakraborty
Mr. Aritra Ghosh
..... for the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The appellant is represented by Mr. Sukumar Ghosh, Learned Counsel assisted by Mrs. Moumita Ghosh, Learned Advocate.

The State-Respondents are represented by Mrs. Jhuma Ghosh, Learned Counsel assisted by Mr. Aritra Ghosh, Learned Advocate.

The facts of this appeal lie within a narrow compass.

The appellant, who was the writ petitioner before the Hon'ble Single Bench, joined as a Police Civic Volunteer. During his service period he was implicated in a criminal case.

From the Report of the Officer-in-Charge of Pandua Police Station to which the appellant was attached, it

transpires that the allegations in the criminal case are serious containing several sections of the Indian Penal Code. In view of the pendency of the criminal case, the appellant has been demobilized from service w.e.f. 19th of October, 2020. Demobilization has been temporarily done to continue till the disposal of the criminal case.

The Report of the Officer-in-Charge, Pandua Police Station, *inter alia*, states as follows:-

“.....and under this facts and circumstances civil volunteer SL No. 19 Samrat Ghosh S/O Nabakumar Ghosh @ Krishna Chandra Ghosh may kindly be demobilized for the post of civil volunteer from 19.10.2020 to till disposal of said case.”

Mr. Ghosh submits that the demobilization is against principles of natural justice and the appellant be allowed to resume duties.

On behalf of the State-Respondents it is submitted that the petitioner was arrested in the criminal case and having regard to the gravity of the charges as well as the nature of duties of a Police Civic Volunteer, the temporary demobilisation is in accordance with law.

Having heard the parties and considering the materials placed at this stage, this Court finds no infirmity in the order of the Hon'ble Single Bench, *inter alia*, holding that in view of the criminal case the employer had the right to demobilize considering the loss

of confidence in the further discharge of duties by the appellant as a Police Civic Volunteer.

Accordingly, **MAT 1259 of 2021** with **CAN 1 of 2021** are not detained further and stand **dismissed**.

Since this discussion has turned on pure questions of law and admitted facts, affidavits are not invited and other allegations are deemed to denied.

The Report of the Officer-in-Charge, Pandua P.S. filed by Learned State Counsel in Court today be retained with the record.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

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

(Krishna Rao, J.)

(Subrata Talukdar, J.)