

23.11.2022

Sl no. 66

Ct no. 2

P.M.

WPA 21308 OF 2022

Supriya Biswas

- Vs -

The State of West Bengal & Ors.

Mr. Anuj Kr. Mishra

... for the petitioner

Mr. Kaustav Bagchi,
Mr. Debayan Ghosh,
Ms Priti Kar

.... For respondent No. 5

Supplementary affidavit and affidavit of service filed by the petitioner are taken on record.

Heard learned Counsel appearing for the parties.

By this writ petition, petitioner has challenged the impugned order of suspension which has been passed more than nine years back i.e. 30th August, 2013 as appears at page 34 being annexure P/3 to the writ petition. Now at the fag-end of his service career petitioner has filed this writ petition challenging the disciplinary proceeding and the suspension order.

Petitioner submits that petitioner is going to retire on 30th November, 2022. Had the petitioner been so serious in the matter petitioner could not be waited for more than nine years for filing this writ petition and suffered suspension order and going on

enjoying the 75% of the salary as subsistence allowance. Whatever may be the reason petitioner is still in service and since the disciplinary proceeding has been initiated during the existence of the service of the petitioner, at this juncture and at this stage this Court could not quash the disciplinary proceeding though there is an inordinate delay in completion of the said disciplinary proceeding but to which there is a contribution of petitioner also.

This writ petition being WPA 21308 of 2022 is disposed of by directing the disciplinary authority concerned/respondent No. 4 to complete the disciplinary proceeding and pass a final order positively within 29th November, 2022 by holding day to day hearing. In case of failure to complete the disciplinary proceeding within the time stipulated herein the disciplinary proceeding shall stand quashed.

(Md. Nizamuddin, J.)