

24-06-2022
ct no. 13
Sl. 48
sp

WPA 20165 of 2019
With
CAN 1 of 2019
With
CAN 2 of 2022

Krishna Chandra Mondal
-Versus-

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya, Id. Sr. Adv.,
Mr. Amarendra Chakraborty,
Mr. Syed Arif Ahmed,
Mr. Tonmoy chatterjee,
Mr. Safikul Mandal
.....for the petitioner

Ms. Koyeli Bhattacharyya
...for the W.B.B.S.E.

The matter was adjourned on the earlier occasion to enable the counsel for the Board to obtain instructions as to whether any departmental proceedings have been initiated against the writ petitioner.

No such instructions are forthcoming. For reasons far too obvious, it appears that no proceedings have been instituted till date.

The order of suspension of the petitioner dated September 2, 2019, has continued for more than two years now. Non-initiation of departmental proceedings for three years, without any rhyme and reason, has putrefied the order of suspension to make it a penalty. This is illegal.

Hence, the suspension of the petitioner shall stand quashed and set aside.

It is made absolutely clear that the Board may initiate departmental proceedings, if so advised, strictly in accordance with law and the applicable rules against the petitioner.

The writ petition is, therefore, disposed of.

In view of the above, the connected applications shall also stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)