

30.11.2022

Sl no. 75

Ct no. 2

P.M.

WPA 25104 OF 2022

Saijuddin Seikh.

- Vs -

The State of West Bengal & Ors.

Mr. Robiul Islam,
Ms. Firoja Khatun

... for the petitioner

Ms. Debjani Ghosal,

.... For respondent No. 6

Mr. Pradip Kumar Ray,
Mr. Prabir Kkumar Ray,
Mr. Joydip Ray

... for the State

Heard learned advocates appearing for the parties.

Petitioned has filed this writ petition being aggrieved by the action of the respondent co-operative society authority concerned suspending the petitioner from service in contemplation of a disciplinary proceedings against the acts of the alleged misconduct. Such suspension order has taken effect from 1st January , 2022 which was passed by the resolution of the Board thereafter disciplinary proceedings has not been further proceeded any further and there is no progress till date.

Learned advocate for the respondent co-operative society submits that the Board has already been dissolved by a resolution on 17th January, 2022 and at present there no new Board has been

constituted and as a result disciplinary proceedings could not be continued and concluded.

Learned advocate for the respondent No. 6 submits that such Board is to be constituted within a month and further submits that the conduct of the petitioner is not fair since order of suspension when it was sent for service it was refused by him.

Considering the facts and circumstances of this case and submission of the parties this writ petition being WPA 25104 of 2022 is disposed of by directing the respondent authority concerned to form the Board within a month and complete the disciplinary proceedings and pass a final order without granting any adjournment to the petitioner, within 28th February, 2023 since petitioner is going to be superannuated on 31st October, 2023. In case of failure to conclude the disciplinary proceedings and pass the final order within the time stipulated herein the disciplinary proceedings and the impugned order of suspension will stand quashed automatically.

If petitioner makes any application for subsistence allowance, the same shall be considered by the respondent authority concerned in accordance with law.

(Md. Nizamuddin, J.)