

05.12.2022
DL No. 21

BM
Court No.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25272 of 2022

Sudip Khanra @ Sudip Khara
Vs.
The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. Hare Krishna Halder
Mr. Mrinmay Chatterjee
Mr. Himadri Sekhar Paul

... for the petitioner

Mr. Tapan Kumar Mukherjee
Ms. Tuli Sinha

... for the State

Affidavit of service filed in Court today be
retained with the records.

The petitioner was working in the Group-D post
since July 8, 1996 on contractual basis with Nezarath
Deputy Collector (in short "NDC") Paschim Medinipur.

A criminal case was instituted against the
petitioner vide a FIR No.361 of 2022 dated May 31,
2022. The petitioner got an anticipatory bail on
August 1, 2022 from this Hon'ble Court. Thereafter,
the petitioner was suspended from working in the
aforesaid post.

The petitioner's representations dated June 28,
2022, August 22, 2022 and August 31, 2022 were not
considered by the concerned respondent.

Mr. Sur, learned counsel appearing on behalf of
the respondent authority submits that the petitioner

had embezzled fund by encashing an amount of Rs.72,396/- in favour of his wife and father and had paid back the same. Therefore, there is no question of reinstating the petitioner in service. Further more, since he was a contractual labourer there was no question of initiation of disciplinary proceedings prior to his termination by the employer.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that the representation of the petitioner should be considered and disposed of by a reasoned order within eight weeks from date.

Let the reasoned order be communicated two weeks thereafter.

The written instruction handed over on behalf of the State in court today be retained with the records.

With the directions aforesaid **WPA 25272 of 2022** is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

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

(Lapita Banerji, J.)

