

S/L 8
14.12.2022
Court. No. 19
GB

W.P.A. 27162 of 2022

Jiban Mandal
VS
The State of West Bengal & Ors.

Mr. Tanmoy Chattopadhyay.

...for the Petitioner.

*Ms. Sudipa Roy,
Mr. Abdus Salam.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record. Despite service, none appears for the Zilla Parishad.

The petitioner is a suspended employee of Jatradanga Gram Panchayat. He was discharging his functions as a 'Nirman Sahayak'. By an order dated March 28, 2022 the petitioner was placed under suspension in contemplation of a disciplinary proceeding. A charge-sheet was served upon the petitioner containing the articles of charges and the statements of imputation of misconduct. The petitioner challenges the initiation of the disciplinary proceeding.

The petitioner alleges that the subsistence allowance was not enhanced in terms of Sub-Rule 8(b) of Rule 52 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 under the provisions of Rules 71 and 72 of the West Bengal Service Rules.

More than 8 months had elapsed since the date of suspension. That the authority has not reviewed the order of suspension. That the documents relied up by the authority

and the list of witnesses have not been provided. Lastly, the disciplinary proceeding did not proceed and the petitioner was kept under suspension for a long time.

Having heard the learned advocates for the parties, this Court directs as follows:-

- a) The subsistence allowance shall be determined in terms of Sub-Rule 8(b) of Rule 52 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.
- b) The list of documents to be relied upon by the authority as also copies of such documents shall be supplied to the petitioner within two weeks. List of witnesses shall also be supplied to the petitioner within 10 days from date.
- c) The petitioner will be entitled to file additional written statement upon perusal of the documents within a period of one month from receipt of all the documents and the list of witnesses.
- d) Disciplinary proceedings shall continue expeditiously and be concluded within a period of three months from the date of receipt of the petitioner's additional written statement. Rules of natural justice shall be followed. If the proceedings are unnecessarily dragged for no fault of the petitioner, the question of review of the order of suspension will arise.

This order shall not prevent the petitioner from challenging the entire disciplinary proceeding at a later

stage. The merits of the allegations against the petitioner have not been gone into.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)