

WPA 328 of 1993

**Shri Ratan Kumar Ghosh
Vs.
The Calcutta Municipal Corporation & Ors.**

**Mr. Sombhunath De
Mr. Ranjit Kumar Ghosh
...for the petitioner**

**Mr. Alok Kr. Ghosh
Mr. Swapan Kr. Debnath
...for the KMC**

In this writ petition, charge sheet issued against the petitioner dated 23rd August, 1992 has been put under challenge. However, the writ petition has remained pending till date at the motion stage and on perusal of records it appears that no order has been passed on this writ petition.

This Court has heard the learned advocates representing the petitioner and Kolkata Municipal Corporation, being the principal respondent.

Mr. Alok Kr. Ghosh, learned Counsel representing the Kolkata Municipal Corporation, has submitted, on instruction, that the disciplinary proceeding which was initiated against the petitioner based on the charge sheet dated 23rd August, 1992 has already been brought to logical conclusion by issuing final order of punishment dated 7th September, 1998, relevant part of the order is quoted below:-

“I therefore agree with the findings of the E.O. and award the following penalty to Sri Ratan Kumar Ghosh, Mazdoor under Borough-VII.

- 1. 5 (five) annual increment in the existing pay scale of Sri Ghosh is to be withheld for five years with cumulative effect.*
- 2. During these five years Sri Ghosh shall enjoy no service benefit like Promotion, CAS, Selection Grade etc.*
- 3. The suspension period of Sri Ghosh is to be treated as period spent under suspension with subsistence allowance as admissible.*

The order be communicated to all concerned for information and compliance.”

In view of the final order of punishment dated 7th September, 1998 issued against the petitioner, nothing remains to be decided on this writ petition since the writ petitioner has challenged charge sheet dated 23rd August, 1992 and it does not appear from record that any restraint order was passed by this Court at the material point of time prohibiting the Kolkata Municipal Corporation from proceeding with the disciplinary proceeding based on such charge sheet.

Accordingly, the writ petition stands dismissed as infructuous.

Copy of the order of punishment dated 7th September, 1998 is taken on record.

Copy of the order of punishment dated 7th September, 1998 is also handed over to Mr. Sombhunath De, learned advocate representing the petitioner by Mr. Alok Kr. Ghosh representing the Kolkata Municipal Corporation.

However, this order shall not preclude the petitioner to proceed against such order of punishment dated 7th September, 1998 in accordance with law.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)