

21.09.2023
Item No. 23
Ct. No. 7
PG

W.P.A. 2038 of 2022
Sri Ramen Chandra Das
Vs.
The State of West Bengal & Ors.

Mr. Goutam Dey
Mr. Dipendu Sarkar.....for the petitioner

1. Affidavit of reply filed in Court today be kept with the record.
2. The petitioner has challenged the final order of punishment dated March 2, 2020, whereby the service of the petitioner stood terminated with effect from March 1, 2020.
3. The learned advocate appearing for the petitioner submits that the inquiry officer, without supplying the copy of any documents, which were relied on in course of the inquiry proceedings and without giving any adequate opportunity to the petitioner to participate in the enquiry proceedings, concluded the inquiry proceedings. He further submits that no copy of the inquiry report was also supplied to the petitioner.
4. According to the learned advocate appearing for the petitioner, the order of termination passed by

the Chief General Manager being the disciplinary authority is also an unreasoned order.

5. None appears for the respondents. After going through the materials on record, this Court finds that the disciplinary authority by passing a one-line order terminated the service of the petitioner with effect from March 1, 2020. The order of the disciplinary authority is extracted hereinbelow:-

*Shri Ramen Chandra Das
Sr. Technical Assistant
Employee No.-419
Mother Dairy Calcutta.*

Sub: Termination from Service

In reference to the Charge Sheet vide no.MDC/P&A/419/1695 dated 12.07.2019 and the report submitted by the enquiry committee therein, your service stands terminated w.e.f. 01.03.2020.

Chief General Manager”

6. Upon going through the order of the disciplinary authority dated March 2, 2020 this Court is of the considered view that the said order is an unreasoned one. The disciplinary authority has to assign reasons as to why such authority was of the view that the service of the petitioner is to be terminated. Merely by making a reference to the report submitted by the Inquiry Committee, an order of termination in the manner as indicated hereinbefore could not have been passed. This, in

the considered view of the Court, amounts to violation of the principles of natural justice. For such reason, the order dated March 2, 2020 is set aside and quashed.

7. The respondent authority is directed to supply a copy of the inquiry report to the petitioner and after giving an adequate opportunity to the petitioner to reply to the same proceed thereafter in accordance with the relevant service rules, if the same is permissible at this stage.
8. The writ petition thus, stands allowed with the aforesaid observations/directions.
9. There shall be, however, no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)