

24.04.2023
DL-3
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6302 of 2023

Subrata Ghosh
Vs.
The State of West Bengal & Ors.

Mr. N. G. Mukherjee,
Ms. Kaushikee Chakraborty
....for the petitioner.

Ms. Chaitali Bhattacharya,
Mr. Subhendu Roy Choudhury
....for the State.

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya
....for WBSWC.

By an order dated January 10, 2023, this Court directed the Secretary, West Bengal State Warehousing Corporation (WBSWC) to take a reasoned decision in the event the petitioner filed a representation before him. The petitioner was discharging his duties in the post of Superintendent on contractual basis with effect from October 5, 2016. The petitioner's contractual service was renewed from year to year. Thereafter, the petitioner's service was not renewed since October, 2020.

Pursuant to the directions of this Court, the Secretary, WBSWC passed a reasoned order on February 10, 2023. In the reasoned order, it has been clearly recorded that on September 30, 2020 the authorities concerned received a complaint/mass

petition against the petitioner that was signed by the weigh-bridge operator, security guards, helpers posted at Sainthia RIDF godown alleging that the petitioner in intoxicated condition used filthy language and misbehaved with his subordinate staff. The petitioner has been issued warnings since August 14, 2018 for rectification of his behaviour due to a previous complaint. The petitioner himself admitted in a representation submitted by him on January 17, 2023 that he consumed liquor during office hours. He has also admitted the same during the course of personal hearing. The conduct of the petitioner was found not to be conducive office discipline and decorum. Therefore, the representation of the petitioner dated January 17, 2023 for renewal of the service contract was rejected.

This Court finds no arbitrariness, capriciousness or perversity in the decision making process of the executor/the Secretary, WBSWC. Therefore, this Court finds no reason to interfere with the impugned order dated February 10, 2023.

In the light of the discussions above, **WPA 6302 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the writ petition, the allegations

contained therein are deemed not to have been admitted by the respondents.

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.)