

04.
18.7.2023
S.D.

W.P.A. 12938 of 2023

**Sri Subhas Kumar Mukhopadhyay
Vs.
Eastern Coalfields Limited & Ors.**

Mr. Kishore Dutta, Sr. Adv.,
Mr. Debojyoti Basu
Mr. Supratim Dhar
Mr. Kunal Ganguly
Mr. Dibyendu Ghosh
Mr. Tirupati Mukherjee

..For the Petitioner

Mr. Manik Das

...For the ECL

The petitioner has filed the instant writ petition for stay of departmental proceedings due to the pendency of the criminal proceedings instituted by the Central Bureau of Investigation (CBI). After detailed submissions were made by Mr. Dutta, learned senior counsel appearing on behalf of the petitioner, it was pointed out by Mr. Das, learned counsel appearing on behalf of the Eastern Coalfields Limited (ECL) that the petitioner has already approached this Court in a previous writ petition being W.P.A. 8211 of 2022, challenging the same charge-sheet dated March 28, 2022.

The fact that the petitioner was unable to get an interim order was not brought on record in the present writ petition.

Therefore, he submitted that the present writ petition has been filed in gross suppression of materials facts.

It has now been submitted on behalf of the writ petitioner that the previous writ petition has been filed and the same is pending adjudication before this Court. However, such facts were not brought on record in the writ petition nor were the learned counsel appearing on behalf of the writ petitioner apprised of the same

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the present writ petition being **W.P.A. 12938 of 2023** should be **dismissed** with **costs**. This Court has not at all appreciated the conduct of the petitioner. The petitioner is to pay costs assessed at Rs.10,000/- to the employer/Eastern Coalfields Limited (ECL) within a period of one month from date.

Let the petition appear in the **Monthly List of September 2023** under the heading “**New Motion**” for appropriate orders.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

(Lapita Banerji, J.)

