

01 20.01.2023
rkd Ct.08

CPAN 747 of 2021
In
WPST 74 of 2020
(IA NO: CAN 2/2021)

Debasish Mondal
-vs-
Mr. Anindya Sengupta

Mr. Ashis Kumar Chowdhury

....for the appellant.

Mr. Biswabrata Basu Mallick,
Mr. Abhishek Prasad

....for the State.

This is an application for seeking modification of the order dated 8th July, 2021 on the ground that the representation is required to be considered by the Joint Secretary, Irrigation & Waterways Department, Government of West Bengal.

Mr. Biswabrata Basu Mallick, learned advocate representing the applicants have stated that in view of the notification dated 29th March, 2017 the Principal Secretary is required to take a decision on the matter.

The said notification says that the Principal Secretary, Irrigation & Waterways Department, Government of West Bengal will henceforth act as an Appointing and Disciplinary Authority in respect of the Junior Engineers.

The person concerned was appointed prior

to 29th March, 2017. Moreover, the said notification does not exclude the Joint Secretary, Irrigation & Waterways Department, Government of West Bengal to consider the representation. No disciplinary action has been initiated by the respondent authorities.

The order of transfer dated 16th September, 2019 and the order of release dated 7th February, 2020 were issued by the Joint Secretary, Irrigation & Waterways Department, Government of West Bengal.

On such consideration, we are of the view that reliance upon the said notification dated 29th March, 2017 is misplaced.

We, accordingly, direct the Joint Secretary, Irrigation & Waterways Department, Government of West Bengal to consider the representation being Annexure "G" to O.A. No.115 of 2020 within four weeks from date and dispose of the said representation by a reasoned order after giving a reasonable opportunity of hearing to the writ petitioner which shall be communicated to the writ petitioner within one week thereafter. All other directions shall remain unaltered.

In view of the aforesaid modification extending the time to consider the representation,

the application being CAN 2 of 2021 stands disposed of with an observation that in the event this order is not complied with within the aforesaid period, the petitioner shall be at liberty to approach this Court.

In view of the disposal of the CAN application, contempt application being CPAN 747 of 2021 also stands disposed of.

(Amrita Sinha, J.)

(Soumen Sen, J.)