

Item No.309

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

17.11.2023
Ct-24

WPA 16976 of 2023
Soumya Samanta

v.

The State of West Bengal & Ors.

Mr. Rudranil De
Mr. Aiswaryya Mukherjee
Mr. Kartick Das
Mr. Subhronil Ghosh
Mr. Zia-ul Haque
Mr. Anirban Das
... for the petitioner.

Mr. D.K. Sengupta
Ms. Sweta Saha
... for the respondent nos. 2 & 3.

Mr. P.K.Roy
Mr. Ankit Sureka
Mr. P.S. Pal
... for the respondent no. 5.

The petitioner is aggrieved by the suspension order dated October 14, 2022 passed by the Chief Executive Officer, Tamluk Cooperative Agriculture and Rural Development Bank Ltd.. Specific submission of the petitioner is that no opportunity of hearing was granted to the petitioner prior to the issuance of the order of suspension.

It has been submitted by the learned advocate representing the petitioner that there has been violation of the principles of natural justice and, accordingly, the writ petition ought to be allowed and necessary order may be passed.

In the course of argument it has been submitted by the learned advocate representing the petitioner that, presently, a regular disciplinary proceeding has been initiated against the petitioner.

Learned advocate representing the Bank submits, upon instruction that, charge was framed and copy of the charges was forwarded to the petitioner by a communication dated June 26, 2023 and the petitioner is contesting the disciplinary proceeding.

It appears from the submissions made on behalf of the parties that the impugned order of suspension is dated October 14, 2022 and the present writ petition has been filed on July 18, 2023. In the meantime, charges were framed and copy of the same was supplied to the delinquent employee in June 2023 i.e. prior to filing of the writ petition.

The conduct of the petitioner in approaching the Court after such a long delay cannot be appreciated.

The petitioner has already taken steps in the disciplinary proceeding and it will be open for the petitioner to raise all issues in the pending disciplinary proceeding.

No order is required to be passed in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)

