

WPA 18198 of 2023
Tarun Jana
Vs.
The State of West Bengal & Ors.

Mr. Sunny Nandy,
Mr. Subhasis Chakraborty,
Ms. Sushmita Kumar Singh,
Mr. Subha Pathak

...for the Petitioner

Mr. Rajarshi Basu,
Mrs. Tanuja Basak

...for the State

Mr. Nilotpall Chatterjee,
Mr. Amrita Lal Chatterjee

...for the University

It is the grievance of the petitioner that in the departmental proceedings initiated against him, he has yet been allowed to be represented through his advocate.

The proviso to Statute 12 (C) under chapter XIII of the Calcutta University First Statutes, 1979 specifically excludes the right of representations through a lawyer.

In that view of the petitioner, prayer of the petitioner is declined.

It has, however, been submitted by the learned advocate appearing for the petitioner that the petitioner is not getting any subsistence allowance since April, 2022 on the ground that by a reasoned order dated November 21, 2022, the Director of Public Instruction determined the eligibility of the petitioner to receive subsistence allowance only for the period from January 27, 2020 to March 31, 2022.

Since the departmental proceeding has not yet been concluded and the petitioner is under suspension, there cannot be any justification to withhold the subsistence allowance of the petitioner during the continuation of the disciplinary proceedings.

Accordingly, the State as well as the college is directed to release the subsistence allowance of the petitioner @ 75% of his basic salary along with arrears within a period of three weeks from the date of communication of this order.

WPA 18198 of 2023 is disposed of.

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

(Kausik Chanda, J.)