

Dd 24 05.07.2023

WP.ST 255 of 2011
with
I.A NO: CAN 1 of 2014 (Old NO: CAN 1933 of 2014)
Anjan Kumar Sinha
Vs.
State of West Bengal & Ors.

Mr. Rama Chakraborty,
Ms. Ipsita Ghosh, Advocate
... ... For the Petitioner

Mr. Tapan Kr. Mukherjee, APP
Ms. Tuli Sinha, Advocate
... ... For the State

Writ petition is directed against an order dated February 2, 2011 passed in OA 1412 of 2009.

By the impugned order, the challenge to an order passed in the disciplinary proceeding was rejected.

The writ petitioner before us, was an Assistant Sub-Inspector of Police. He was charged with gross misconduct and indiscipline in duty being a member of the disciplined force. There is an inquiry report as against the writ petitioner dated July 10, 2008.

By the Inquiry report, the authorities found that the writ petitioner detained two trucks between 15:00 hours to 12:00 hours without any reason. The writ petitioner while on table duty left his duty without informing about the same to his superior officer. He was found to misconduct himself being a member of the disciplined force tarnishing image of the police department in public eye. Moreover, the writ petitioner was found to be absent during his suspension.

Learned advocate appearing for the writ petitioner submits that as a citizen of the country, the writ petitioner was entitled to detain any vehicle which was carrying contraband. Moreover, there was no rule in service requiring a suspended police personnel to remain at the police line.

A disciplinary proceeding was initiated against the petitioner. There he was placed under suspension. Two facts are admitted. One, that the writ petitioner detained vehicles while not on duty is admitted. The other admitted fact is that he left the police lines without taking any permission during his suspended period.

So far as the detention of the vehicles is concerned, there is no plausible explanation. The vehicles were not found to be contravening any law. He was not on duty at that material point of time. He left his table duty without informing his superior.

So far as leaving the police lines during the suspension period is concerned, Rule 881 of the Service Rules prescribes as follows :-

"Unless specially permitted in writing to reside elsewhere. Police Officers under suspension shall reside in the lines or in such place as the Superintendent of Police may direct in the interest of discipline.

Residence in the lines implies presence in the lines from Retreat to Reveille and attendance at all parades and roll calls within the 24 hours. At other places, the Superintendent of Police may order the officer to attend roll calls and parades held in the nearest police post."

Admittedly, the writ petitioner was not present at the police lines during the suspension period. The writ petitioner, therefore, violated his service rules also during his suspension period. That apart, the writ

petitioner suffered two major punishments prior to disciplinary proceeding.

In such circumstances, the Disciplinary Authority proceeded to impose a punishment of dismissal. The order of the Disciplinary Authority contains reasons. The order of the tribunal is also with reasons. It is not the case of the writ petitioner that the disciplinary proceedings stand vitiated due to breach of principles of natural justice. In such circumstance, we find no merit in the writ petition.

WP.ST 255 of 2011 is accordingly dismissed without any order as to costs. Connected applications are also disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)