

WP.ST 549 of 2009

***The State of West Bengal & Ors.
Vs.
Sri Sailendra Nath Das***

*Mr. Tapan Kumar Mukherjee, AGP
Mr. Pinaki Dhole,
Mr. Somnath Naskar, Advocates
... ... For the Petitioners/State*

*Mr. Bikash Ranjan Neogi,
Ms. Soma Chakraborty,
Mr. Guddu Singh, Advocates
... ... For the Private Respondent*

The writ petition is directed against an order dated February 10, 2009 passed in OA No. 6276 of 1998.

By the impugned order, the Tribunal found the punishment imposed by the disciplinary authority, to be disproportionate to the charges established and to be shocking to the conscience of the Court. Consequently, the Tribunal directed the disciplinary authority to decide on the quantum of punishment, after affording a reasonable opportunity of hearing to the private respondent.

By the impugned order, the Tribunal proceeded further to direct the authority to allow the private respondent to receive 50% of the admissible back wages for the entire period till his joining within a period of four months from the date of his joining.

Learned senior advocate appearing for the State submits that, the Tribunal erred in directing the

authority to pay 50% of admissible back wages for the entire period till the private respondent joins.

Private respondent is represented.

Learned advocate appearing for the private respondent submits that the private respondent superannuated in the meantime.

There is a stay of the impugned order obtaining since October 22, 2009.

The writ petition is pending for a considerable period of time.

Private respondent superannuated in the meantime.

In such circumstances, interest of justice would be subserved by requiring the disciplinary authority to decide on the quantum of punishment preferably within a period of four weeks from the date of communication of this order, after affording a reasonable opportunity of hearing to the private respondent.

The direction with regard to 50% back wages contained in the impugned order is set aside.

Immediately on conclusion of the disciplinary proceeding, the authority will disburse the pensionary benefits to the private respondent, in accordance with law.

WP.ST 549 of 2009 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

