

250. 19.09.2023
bd. Ct.15

WPA 24909 of 2017

Bidhan Paul

-vs-

The State of West Bengal & Ors.

Mr. Partha Sarkar

Mr. Abhijit Basu

... For the petitioner.

In the writ petition two show cause notices both dated 17th August, 2017 issued by the Block Development Officer, Sitalkuchi, District- Cooch Behar are under challenge.

On perusal of both the show-cause notices it appears that petitioner was appointed as Executive Assistant at Barokaimari Gram Panchayat vide order dated 21st July, 2017 and he joined the post on 27th July, 2017. However, in spite of request being made by the Block Development Officer, Sitalkuchi, to attend office of the said Block Development Officer on 28th July, 2017 the petitioner in his turn attended the said office on 15th August, 2017 as a result whereof aforesaid two show-cause notices were issued against the petitioner.

The learned advocate representing the petitioner submits that subsequently a disciplinary proceeding has been initiated based on the said show-cause notices dated 17th August, 2017 and though the proceeding has been concluded by the disciplinary authority no final order has been passed in connection with the said disciplinary

proceeding.

Today no one is representing the respondents.

However, in consideration of the submission made on behalf of the petitioner it appears that the impugned show-cause notices dated 17th August, 2017 have already been given effect to by initiation of disciplinary proceeding. Therefore examination of validity and legality of these show-cause notices dated 17th August, 2017 would be an academic exercise which this Court is not inclined to undertake in view of conclusion of disciplinary proceeding. However, final order has not yet been passed.

In view of aforesaid situation, the writ petition stands disposed of without passing any order relating to impugned show-cause notices.

Leave is granted to the petitioner to take steps in accordance with law if final order is passed by the disciplinary authority which is adverse to the interest of the petitioner.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)