

Dd 08 05.09.2023

WP.ST 121 of 2022

***The State of West Bengal & Ors.
Vs.
Monojit Bagish***

*Mr. Mrinal Kanti Ghosh, Advocate
... .. For the Petitioners/State*

*Mr. M. N. Roy,
Mr. R. Saha, Advocates
... .. For the Respondent*

The writ petition is directed against an order dated July 5, 2022 passed in OA 883 of 2021.

The writ petition is at the behest of the State.

It is contended on behalf of the State that as against the private respondent, a disciplinary proceeding was initiated. Today, there is also a criminal proceeding as against the private respondent. Reference is made to the number of proceedings initiated by the private respondent. It is contended that, as many as eleven proceedings were initiated by the private respondent before the Tribunal. All those proceedings resulted in the delay in the disposal of the disciplinary proceedings. The disciplinary proceeding is one of serious nature. In 2017, a disciplinary proceeding was initiated as against the private respondent, inter alia, for unauthorized acquisition of assets in excess of Rs.40 lakhs.

Learned advocate appearing for the private respondent submits that, the private respondent is entitled to promotion in view of the circular of the Government, since, the departmental proceedings

initiated in 2017 was concluded within a period of three years from the date of its commencement. Moreover, the private respondent will lose his seniority and his avenues of promotion, in the event, the promotion is not granted to the private respondent. Moreover, the criminal proceedings and the disciplinary proceedings are founded on the same charges. He refers to the article of charges issued as against the private respondent in the disciplinary proceeding.

We find from the records that, a Disciplinary Proceeding bearing No. 1 of 2017 was drawn up against the private respondent where, there is an allegation of accumulation of assets disproportionate to the known source of income by the private respondent.

There is also a criminal proceeding initiated as against the private respondent. We are informed that the charge sheet in the criminal proceeding is yet to be filed.

Disciplinary proceeding is pending since 2017. It is imperative that such disciplinary proceeding is concluded as expeditiously as possible.

In such circumstances, it would be appropriate to direct the authorities, notwithstanding any order to the contrary of the Tribunal, to endeavour and conclude the disciplinary proceeding within three months from the date of communication of this order to the disciplinary authority. The disciplinary authority is requested not to grant any unnecessary adjournments to any of the parties and to ensure that the disciplinary proceedings are concluded within the time frame fixed.

So far as the impugned order of the Tribunal, directing the authorities to grant promotion to the private respondent is concerned, the same is kept in abeyance for a period of three months from date, and

will abide by the result of the disciplinary proceeding. Needless to say that in the event, the private respondent is exonerated in the disciplinary proceeding, the impugned order of the Tribunal directing grant of promotion will revive. In the event, the disciplinary proceeding results in any order of punishment which militates against a grant of promotion, then, obviously, the order in the disciplinary proceeding will prevail.

WP.ST 121 of 2022 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)