

22-11-2023

ct no. 13

sl. 22

pk

WPA 25539 of 2023

Santanu Dasgupta

-Versus-

Union of India and others

Mr. Gautam Brahma,

Ms. Pampa Saha

... for the petitioner

Mr. Anil Kumar Gupta,

Ms. Aishwarya Rajyashree

...for the Union of India.

Mr. Shiv Shankar Banerjee,

Mr. Uttam Kumar Halder

... for the respondent no. 2.

1. The petitioner is aggrieved by disciplinary proceedings instituted by the employer, Institute for Steel Development and Growth (INSDAG)/respondent no. 2.

2. The learned counsel for the respondent no. 2 submits that the writ petition is not maintainable since the respondent no. 2 is not State within the meaning of the Article 12 of the Constitution of India. The said issue is left open for being considered in appropriate proceedings. In view of the peculiar facts of the instant case as narrated herein below, and as an exception the application is being considered.

3. Disciplinary proceedings came to be instituted against the petitioner, who claims to have been a Manager in the E-III grade. Enquiry officer was appointed and disciplinary authority imposed a penalty on the petitioner reducing him in rank on 07.04.2022. An appeal was preferred before the Appellate Authority i.e. the Chairman of the SAIL. The penalty against the petitioner came to be confirmed on 12.07.2022.

4. The petitioner thereafter by communication dated 01.08.2022 tendered resignation that was accepted by the respondents. The petitioner also accepted his terminal dues of Rs.6,54,817.02/-.

5. In view of the above, the challenge to the disciplinary proceedings against him and the final order of termination and the confirmation of the same by the appellate authority is no longer maintainable.

6. The argument of the petitioner that he was forced to resign, in the facts of the case, is not acceptable to this Court.

7. It is once again reiterated that this Court has not pronounced upon the maintainability of the writ petition against the respondent no. 2. The issue is

left open for being decided in an appropriate proceeding in accordance with law.

8. The writ petition is disposed of without any orders.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)