

Dd **21 07.08.2023**

WP.ST 235 of 2016

Swapan Kumar Ray
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Mr. Arka Nandi,
Mr. Sagar Dey,
Ms. Saptapani Raha, Advocates
... ... For the Petitioner

Mr. Tapan Kr. Mukherjee, AGP
Ms. Sangeeta Roy, Advocates
... ... For the State

The writ petition is directed against an order dated September 7, 2016 passed in OA no. 517 of 2015 by the West Bengal Administrative Tribunal.

By the impugned order, learned Tribunal concurred with the decision of the appellate authority confirming the order of punishment imposed by the disciplinary authority, as against the writ petitioner.

Learned advocate appearing for the writ petitioner draws the attention of the Court to the article of charges as against the writ petitioner. He submits that, three article of charges were framed as against the writ petitioner. The first charge was with regard to the recovery of 'streedhan' articles and making the same over to the de facto complainant without preparation of a proper seizure list. The next two articles relate to alleged dereliction of duty. He refers to the evidence led at the disciplinary proceedings. According to him, the entire evidence was not correctly appreciated. He

refers to the quantum of punishment imposed and submits that punishment of cumulative deduction was prejudicial to the interest of the writ petitioner.

Learned senior advocate appearing for the State submits that, the writ petitioner is not contending that there was a breach of principles of natural justice in the conduct of the disciplinary proceedings. Disciplinary authority took a particular view on the subject which was affirmed by the appellate authority. The Tribunal did not find anything wrong with the disciplinary proceedings or the quantum of punishment imposed. Consequently, he submits that no interference is called for.

The writ petitioner herein was proceeded against departmentally in respect of three charges. All the three charges were found to be proved at the inquiry stage. Inquiry Officer submitted a report which was accepted by the disciplinary authority. Disciplinary authority issued an order of punishment. An appeal was carried by the writ petitioner. The appellate authority agreed with the quantum of punishment imposed by the disciplinary authority.

At no stage, was any principle of natural justice violated. The petitioner was heard. The order of the disciplinary authority as also of the appellate authority contains reasons.

The contention of the writ petitioner that we reevaluate the evidence during the inquiry, needs consideration. In the facts of the present case, two adjudicating authorities arrived at a finding on the basis of the evidence led before the Inquiry Officer that, such evidence establishes the charges levelled as against the writ petitioner. Nothing is placed before us to say that the view taken by the two adjudicating authorities are

not plausible or that the same is not borne out of principle of preponderance of probabilities.

Quantum of punishment to be imposed in the disciplinary proceeding is in the domain of the disciplinary authority/appellate authority.

In the facts of the present case, it cannot be said that the quantum of punishment imposed is disproportionate to the charges established or is shocking to the conscience of the Court.

In such circumstances, we find no reason to interfere with the present writ petition.

WP.ST 235 of 2016 is accordingly **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)