

18.01.2024

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WPCT 7 of 2024
Tarun Kumar Purakayastha
– *Versus* –
Union of India & Others

Mr. Gokul Chandra Chakraborty
... for the Petitioner.

Mr. Sukanta Chakraborty
.... for the UoI/Respondents.

Affidavit-of-service filed by the petitioner be kept on record.

The present writ petition has been preferred challenging an order dated 18th December, 2023 passed by the learned Tribunal in an application, being M.A. 289 of 2020 filed in connection with the original application, being O.A. 339/2020 (Kolkata).

Records reveal that the original application, being O.A. 339/2020 (Kolkata) was preferred challenging *inter alia* a chargesheet dated 26th September, 2019 issued against the applicant/petitioner herein along with an application, being M.A. 289/2020. In the said applications an interim order was passed on 17th July, 2020 directing the respondents not to conduct any enquiry proceedings till the next date of listing. The said interim order was extended from time to time and was operative till the date of issuance of the order impugned in the present writ petition.

The respondents filed an application, being MA 12 of 2021 praying for vacating the said interim order dated 17th July, 2020. The vacating application was disposed of on 18th December, 2023 and the interim order passed earlier staying the entire disciplinary proceedings was modified to the extent that the disciplinary proceedings shall be carried out but no final decision shall be taken by the disciplinary authority or the enquiry officer till the next date of listing.

Mr. Gokul Chandra Chakraborty, learned advocate appearing for the petitioner submits that without assigning any reason the learned Tribunal modified the interim order dated 17th July, 2020. The initial interim order dated 17th July, 2020 was passed after contested hearing and more than three years thereafter, the same has been abruptly modified.

Mr. Sukanta Chakraborty, learned advocate appearing for the respondents submits that the application for vacating the interim order was filed in the year 2021. However, the same remained pending and was ultimately disposed of by the order impugned in the present writ petition.

According to him, no prejudice would be suffered by the petitioner in view of the order dated 18th December, 2023 since the interim order initially passed staying the entire proceedings has been

modified only to the extent that the proceedings may continue but no final decision shall be taken by the disciplinary authority or the Enquiry Officer till the next date of hearing.

Heard the learned advocates and considered the materials on record.

We have been informed that the reply and the rejoinder to the original application have already been filed and the matter has been fixed for final hearing on 24th January, 2024.

It appears that the interim order dated 17th July, 2020 was passed upon contested hearing and in the presence of the learned advocate appearing for the respondents. The application for vacating the interim order was filed about seven months thereafter. No change in circumstances after the initial interim order was passed has been disclosed.

In the said conspectus, the impugned order dated 18th December, 2023 is set aside. The interim order passed initially on 17th July, 2020 and as extended from time to time, shall continue till the disposal of the original application, being O.A. 339/2020.

The writ petition, being WPCT 7 of 2024 is, accordingly, disposed of.

As the writ petition has been disposed of without calling for affidavits, the allegations made in the same

against the respondents shall be deemed to have been denied.

Since the matter has already been fixed for final hearing, we would request the learned Tribunal to dispose of the same, as expeditiously as possible, without granting any unnecessary adjournment to either of the parties.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)