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12.06.2024
Ct. No. 11
Jayanta

WP.ST 11 of 2024

Debaprasad Manna
Vs
The State of West Bengal & Ors.

Mr. D. N. Ray
Mr. Biswarup NandyFor the Petitioner.
Ms. Tapasi Sinha PalityFor the Respondent No. 5.
Ms. Sonal Sinha
Ms. Ashmita ChakrabortyFor the State.

The present writ petition has been preferred challenging *inter alia* the order dated 17th January, 2024 passed in the original application, being O.A. 395 of 2023. The said application was preferred primarily praying for the following relief:

‘An order do issue thereby setting aside/quashing the Departmental Proceeding including the Charge sheet vide Memo No. Con. 18/Dr dated, Purba Medinipur 07.06.2013 within a stipulated time period as the respondent authorities have miserably failed to conclude the alleged departmental proceeding afresh within 04 months as directed by this Hon’ble Tribunal vide its Order dated 08.09.2022 passed in O.A. No. 825 of 2018’.

The said application was initially heard on 14th July, 2023 and made returnable for ‘Admission Hearing’ on 28th August, 2023. Thereafter, an order was passed in the O.A. on 15th September, 2023. The operative part of the said order runs as follows:

‘Having heard the submissions of the learned counsels and having come to the conclusion that the disciplinary proceedings has not been concluded despite lapse of one year, the respondent no. 4, the District Registrar, Purba Medinipur and the Disciplinary Authority is hereby directed to comply with the order of the Tribunal passed on 08.09.2022 and conclude the disciplinary proceedings within the next two months positively, failing which the entire disciplinary proceedings will stand vitiated.

*Let the matter appear under the heading “**For Orders**” on **17.01.2024.**’*

On the said returnable date, the matter was directed to appear on 23rd April, 2024 as ‘For Orders’ and we have been informed that on the said date the matter appeared and the same has been made returnable on 27th August, 2024 since the learned advocates of both the parties informed the learned Tribunal that the present writ petition is pending.

Mr. Ray, learned advocate, assisted by Mr. Nandi, learned advocate appearing for the petitioner submits that in the order dated 15th September, 2023 there was a specific direction upon the respondents to ‘conclude the disciplinary proceedings within the next two months positively’. It was further observed that ‘failing which the entire disciplinary proceedings will stand vitiated’. Such direction was not complied with and the disciplinary proceedings could not be completed within the said period of two months. In view thereof, on 17th January, 2024 the learned Tribunal ought to have set aside the disciplinary proceedings instead of fixing further date of hearing on 23rd April, 2024.

Ms. Sinha, learned advocate appearing for the State/respondents submits that the argument as advanced on behalf of the petitioner is misconceived inasmuch as the original application has not yet been disposed of and no final decision has yet been taken.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the original application is still pending before the learned Tribunal. When the matter last appeared on 23rd April, 2024, the same was adjourned due to pendency of the present writ petition. Records do not reveal that the learned Tribunal has taken any final decision as to whether the disciplinary proceedings stands vitiated having not been concluded within the period of '*two months*', as directed in the earlier order dated 15th September, 2023.

In view thereof, no interference is called for in the present writ petition and the same is, accordingly, dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Supratim Bhattacharya, J.) (Tapabrata Chakraborty, J.)