

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

RVW 58 of 2024

With

IA No.: CAN 1 of 2024

IA No.: CAN 2 of 2024

The State of West Bengal & Ors.

Vs.

Md. Kamaluddin Ansari & Ors.

With

CPAN 1333 of 2024

in

WP.ST 398 of 2013

For the State

: Mr. Tapan Kumar Mukherjee
Ld. Sr. Advocate & Ld. AGP
Mr. Pinaki Dhole, Advocate
Mr. Somnath Naskar, Advocate.

For the writ petitioner/
respondent

: Mr. Bikash Ranjan Neogi, Advocate
Ms. Ananya Neogi, Advocate
Mr. Guddu Singh, Advocate

Heard & Judgment on

: August 20, 2024

DEBANGSU BASAK, J.:-

Signed By :
ABHIJIT DAS
High Court of
Calcutta
21 st of August
2024 05:30:05
PM

1. Department reports delay of 166 days in preferring the application for review.

2. Learned Advocate for the writ petitioner in his usual fairness does not oppose the prayer for condonation of delay.
3. In view of such stand of the private respondent as also on the basis of the averments made in the application, we deem it appropriate to condone the delay in making and filing the memorandum of review.
4. IA No.:CAN 1 of 2024 is, therefore, allowed.
5. By consent of the parties, the review is taken up for final hearing.
6. Review applicants are the State of West Bengal and its functionaries.
7. Learned Advocate appearing for the review applicants submits that, the review applicants suffered a loss of sum in excess of Rs.5 lacs due to the negligent action of the private respondent. A second show-cause notice was issued. The review applicants should be allowed to continue with the second show-cause notice or to deduct the sum of damages from the retiral benefits receivable by the private respondent.
8. By the order under review dated August 9, 2023, we noted that, the private respondent/writ petitioner filed the writ petition assailing the order dated November 11, 2010 passed by the West Bengal Administrative Tribunal in O.A. No.1965 of 2008. A disciplinary proceeding was initiated against the writ petitioner. A show-cause notice was issued to him prior to his superannuation. Such disciplinary proceeding did not come to an end. Writ petitioner superannuated in 2007. After a lapse of three years after his superannuation, a second show-cause notice was issued in 2010 in respect of the same charges.

9. In view of such factual matrix, we held that, since the writ petitioner was allowed to superannuate in 2007 and since the second show-cause notice was issued subsequent to his superannuation and after a delay of three years subsequent to his superannuation, without informing the fate of the first show-cause notice to the writ petitioner, we issued the directions as contained in the order under review.
10. In our view, there is no error apparent on the face of the record requiring review of the order under review.
11. **RVW 58 of 2024** along with all connected applications are dismissed without any order as to costs.
12. CPAN 1333 of 2024 is an application alleging violation of the order dated August 9, 2023.
13. Since we disposed of the memorandum of review filed by the State authorities in respect of such order, we extend the time for compliance of such order for a period of four weeks from date.
14. List the contempt petition in the monthly list of October, 2024.

(Debangsu Basak, J.)

15. I Agree.

(Md. Shabbar Rashidi, J.)