

Sl. 01
05.09.2024
Suman
Ct.No.15

WPA 6650 of 2022
Sk. Nasim
Vs.
The Union of India and Ors.

Mr. Srijib Chakraborty
Mr. Aditya Mondal
...for the petitioner

Mr. Susanta Pal
Mr. Prabir Kumar Ray
..for the State

Let the instruction filed by the State be kept with the records.

The petitioner was appointed as a “Village Level Entrepreneur” at Baharal Gram Panchayat on February 5, 2019. Thereafter, he was transferred to Kahala Gram Panchayat on August 24, 2020.

It is an admitted position that a show cause notice alleging some illegalities committed by the petitioner was issued on December 9, 2021, by the District Magistrate, Malda.

A hearing was fixed on January 14, 2022.

Though the petitioner replied to the show cause, no hearing took place on the scheduled date. The hearing was postponed. Thereafter, without affording any opportunity of hearing to the petitioner, the service of the petitioner was terminated on March 10, 2022.

The said letter of termination has been impugned in this writ petition.

Learned advocate appearing for the State alleges various illegalities or irregularities committed by the petitioner in discharge of his duties. Such allegations are denied by the learned advocate for the petitioner.

This Court is not concerned with the nature of allegations levelled against the petitioner at this stage. When the relevant authorities decided to afford an opportunity of hearing to the petitioner, the service of the petitioner should not have been terminated without affording such opportunity of hearing. On that ground alone, I set aside the termination order dated March 10, 2022. The petitioner shall be reinstated in service within a period of seven days from date.

The respondent will be at liberty to give a fresh opportunity of hearing to the petitioner and take necessary steps in accordance with law.

Since the petitioner has been directed to be reinstated in service on the principle of natural justice without any inquiry into his alleged misconduct, the petitioner shall be reinstated without any back wages.

Accordingly, **WPA 6650 of 2022** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)