

3rd December, 2024
(D/L No.22)
Ct. No.4
(SKB)

W.P.S.T.38 of 2016
With
IA NO: CAN 1 of 2024
IA NO: CAN 2 of 2024

Samar Bhattacharya
Versus
State of West Bengal and others

Mr. Swapan Kumar Nandi,
Mr. Surya Sarathi Basu,
Mr. Sizan Nandi,
Mr. Debjyoti Ghosh,
Ms. Banani Bhattacharya
... for the petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Sangeeta Roy
....for the State.

1. The petitioner has suffered a punishment dated 07.09.2015 implementation of which was made contingent upon conclusion of the criminal trial also pending against the petitioner.
2. The petitioner has finally been acquitted in the criminal trial in Special Case No.13 of 2009. The order of acquittal is dated 31.10.2017. In view of the order of acquittal, the order of the Disciplinary Authority dated 07.09.2015 was given effect to and the petitioner was made to suffer reduction in rank as directed by the Disciplinary Authority by way of punishment.

3. The petitioner thereafter preferred a statutory appeal against the order of the Disciplinary Authority.
4. We are informed that the appeal has also been finally disposed of affirming the punishment imposed by the Disciplinary Authority. The order of the Appellate Authority dated 28.12.2020 is now pending consideration in O.A. No.154 of 2022.
5. The learned counsel for the State submits that since the order of the Disciplinary Authority merged in the order passed by the Appellate Authority now the entire issue is pending consideration in O.A. No.154 of 2022.
6. These collateral proceedings are unnecessary and the same should be disposed of with liberty to the petitioner to avail his remedy, if so required, against any order that may be passed in O.A. No.154 of 2022.
7. The learned counsel for the petitioner submits that the sequence of events noted above would reveal that the matter has now been lingering since quite sometime. The petitioner, in the meantime, has also attained the age of superannuation on 31.08.2024. He, therefore, prays that a direction be issued to the Tribunal to

conclude the proceedings expeditiously. The next date fixed before the Tribunal is 27.01.2025.

8. The learned counsel for the petitioner and the learned senior counsel for the State thereafter submit that they would not seek any undue or unnecessary adjournments and try to conclude their arguments before the Tribunal within a month from 27.01.2025.
9. In these circumstances, we consider it appropriate to observe that the Tribunal should proceed to dispose of the matter expeditiously.
10. The writ petition is dismissed.
11. The petitioner, however, is at liberty to avail his remedies, in the event, there is any occasion to assail the order to be passed in O.A. No.154 of 2022.
12. The applications being CAN 1 of 2024 and CAN 2 of 2024 are disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)