

19-01-2024
ct no. 13
Sl. 37
sp

WPA 12877 of 2022

With

CAN 1 of 2023

Pradip Kumar Paul

-Versus-

Garden Reach Ship Builders Limited & Ors.

**Mr. Nilay Sengupta,
Mr. Sujit Banerjee,
Mr. Altamash Alim**

...for the petitioner

**Mr. Ranjay De,
Mr. Basabjit Banerjee,
Mr. Adityajit Abel Bose**

...for the respondent nos. 1 to 4

CAN 1 of 2023

1. CAN 1 of 2023 has been filed, seeking stay of the Departmental Enquiry against the petitioner and for quashing of an enquiry report dated December 18, 2023.
2. It is submitted by the learned counsel for the petitioner that his client did not receive any notice of the enquiry proceedings being conducted which resulted in the enquiry report.
3. This is denied by the counsel for the employer.
4. In the main writ petition, the subject matter of challenge is a charge sheet dated December 24, 2020.

5. It is now well-settled that pending disciplinary proceedings are not interfered with. It is only in extreme or rare circumstances that such interference is made. This Court does not see any such extreme or such rare circumstances in the instant case. The charge sheet has been issued in terms of the concerned standing orders.
6. In the above circumstances, the petitioner may avail all remedies in accordance with law, after conclusion of the disciplinary proceedings against him, if so advised.
7. It is made absolutely clear that this Court has not entered into the rival contentions of the parties in respect of the merits of or the procedure adopted in, the disciplinary proceedings, as raised by the counsel for the petitioner and opposed by the counsel for the respondents. The same are left open for being considered by an appropriate forum at the appropriate stage in accordance with law.
8. With the aforesaid observations, the instant writ petition shall stand disposed of.

9. In view of the above, CAN 1 of 2023 shall also stand disposed of.
10. There shall be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)