

WPCT 151 of 2024
(Kartick Chatterjee Vs Union
of India & Ors.)

Mr. Debasis Sur
Mr. Angshuman Patra

..... For the petitioner

Mr. Rajendra Banerjee
Mr. Suchit Talukdar

.... For the respondents

Affidavit-of-service filed by the petitioner be kept on record.

The present writ petition has been preferred challenging the order dated 18th April, 2024 passed by the learned Tribunal in the original application (in short, OA), being OA 350/00495/2024.

Mr. Sur, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in a disciplinary proceeding. The allegation of alleged defalcation is against a substitute engaged by the petitioner and not against the petitioner. The respondents, at the instance of the respondent no. 5 and others hatched up an evil conspiracy to penalize the petitioner. In view thereof, the petitioner submitted a representation dated 6th March, 2024 for initiation of a vigilance inquiry against the said delinquents. Though the said representation had subsequently been forwarded to the competent authority by a memo dated 11th March, 2024, no further steps had been taken thereafter. On one hand, the respondents have kept the vigilance inquiry in

abeyance and on the other hand, are determined to penalize the petitioner in the disciplinary proceeding. Such issues, as urged, were glossed over by the learned Tribunal and no finding was returned on the same. Let the supplementary affidavit, as filed, be kept on record.

Mr. Banerjee, learned advocate appearing for the respondents, however, denies and disputes the contention of Mr. Sur and submits that the petitioner failed to satisfy the learned Tribunal that there was any obligation on the part of the respondents to complete the vigilance inquiry, as prayed for, earlier before concluding the disciplinary proceeding. The respondents have not failed to discharge any statutory obligation. In view thereof, the learned Tribunal did not interfere in the OA.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The learned Tribunal, in our opinion, rightly concluded that the disciplinary proceeding once instituted is to be conducted as per the laid down procedure in the conduct rules and that there is no provision for the charged official to demand an inquiry by the Vigilance Department. In the said conspectus, the petitioner's prayer to quash the disciplinary proceeding was refused and the OA was dismissed.

The learned Tribunal upon dealing with the factual issues had arrived at specific findings and we do not find

any error, least to say any patent error of law in the same.

Accordingly, 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.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)