

Item-18. 05-02-2024

sg Ct. 8

MAT 1046 of 2023
CAN 1 of 2023

Kshudiram Pal
Versus
State of West Bengal & Ors.

Mr. Sudip Sarkar, Adv.
Mr. Aninda Bhattacharya, Adv.
Mr. K.P. Santra, Adv.
...for the appellant
Ms. Sima Adhikari, Adv.
Ms. Kakali Naskar, Adv.
...for the State

1. We have heard the learned Counsel for the parties. The petitioner was engaged as a Civic Volunteer with the Keshiary Police Station since October 11, 2013. The petitioner was claimed to have been falsely implicated by FIR No. 207 of 2022 dated 29th June, 2022 at Keshiary Police Station under Sections 447/323/324/379/506/34 of the Indian Penal Code. It appears that pursuant to the investigation of FIR No. 207 of 2022, a charge-sheet was filed on 5th August, 2022.
2. The learned Counsel for the State has produced a written instruction before us and the same is kept with the record.
3. It shows from the said written instruction that two specific cases have been registered against the appellant at Keshiary PS. In the subsequent matter, charge-sheet has not been filed.
4. The respondent authorities are of the view that since the charge-sheet has been filed and the case is still sub-judice, it would not be desirable that he is reinstated in the

service.

5. The learned Single Judge in dismissing the writ petition has also take into consideration that the disciplinary matter includes involvement in any criminal case other than petty case. Whether the nature of the offence is petty or serious that is for the employer to decide as a Civil Volunteer, he would be assisting the Police Administration and utmost integrity and honesty is expected from him.
6. On such consideration, we are not inclined to interfere with the order passed by the learned Single Judge. The appeal stands dismissed. The stay petition is also accordingly dismissed.
7. It is submitted on behalf of the appellant that a representation has been made for subsistence allowance and other admissible dues.
8. In the event the appellant is entitled to any subsistence allowance, the authority shall suitably consider the prayer and release such payment as may be admissible to the appellant.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)