

WPA 16020 of 2024
Smt. Gita Chowdhury & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee,
Mr. Ranjit Mondal,
Ms. Maitrayee Chatterjee

...for the Petitioners

Mr. Atanu Banerjee,
Ms. Priyanka Patra,
Ms. Sudipa Mandi

...for the Municipality

Mr. Rajarshi Basu,
Mr. T. M. Mina

...for the State

The petitioners are Group-D employees under Berhampore Municipality.

It is the grievance of the petitioners that as per the direction of the Municipality, their salary accounts have been frozen and they are not getting salary for last two months.

Learned advocate appearing for the Municipality, on the other hand, submits that several complaints have been received against the petitioners alleging that the petitioner received money from different individuals in the name of securing admission at primary schools run by the Municipality. The Municipality has decided to proceed against the petitioners by initiating disciplinary action and therefore, the salary accounts of the petitioners have been frozen.

In my view, the action of the Municipality is not sustainable.

In the given facts, the Municipality could have proceeded against the petitioners by initiating disciplinary action and pass the incidental orders, but without even initiating a disciplinary proceeding, the Municipality ought not to have frozen the salary accounts of the petitioners merely because it received some complaints against the petitioners particularly when the Municipality is utilising the service of the petitioners. The freezing of salary accounts of the petitioners, even before the initiation of the disciplinary proceeding, was uncalled for.

In that view of the matter, this writ petition is allowed with a direction upon the Municipality to release the unpaid salary of the petitioners within a period of seven days from the date of communication of this order.

The petitioners shall also be paid their current salaries.

This, however, will not prevent the Municipality from initiating the disciplinary proceedings against the petitioners and take steps against them in accordance with law.

WPA 16020 of 2024 is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)

