

09.12.2024
Item No.38
Ct. No. 30
Aloke

WPA 17153 of 2021

Swapan Kumar De

Vs

The Ashokenagar-Kalyangarh Municipality & Ors.

Mr. Susnigdho Bhattacharyya

... for the petitioner

Mr. Rudranil De
Mr. Manoranjan Mahata

**... for the respondent nos. 1, 2,3/
Ashokenagar-Kalyangarh Municipality**

The present writ petition has been preferred praying for quashing of the charge-sheet dated 29th January, 2019, enquiry report dated 25th February, 2019 and dismissal letter dated 30th March, 2019 passed by the respondent authorities.

Admittedly, the present writ petition has been preferred, when the appeal against the said charge-sheet and dismissal letter **was pending before the appellate authority.**

It is submitted by the learned counsel for the petitioner that as the appellate authority was not acting on the appeal he has preferred the writ petition.

From the writ petition, it appears that there is no mention of the appeal in the prayer portion of the writ

petition. As such, it is prima facie clear that the petitioner has approached the appellate authority and has also invoked the writ jurisdiction of this Court at the same time, which is prima facie not permissible, thus, not maintainable.

A report has been filed by the Ashoknagar-Kalyangarh Municipality, the appellate authority regarding the status of the appeal.

It appears from the report which is made part of the record that the appeal was disposed of as the petitioner did not cooperate with the appellate authority in spite of notice being served upon him.

Considering the conduct of the petitioner and the materials on record and in the interest of justice, the petitioner is granted an opportunity to appear before the appellate authority on 23rd December, 2024 at 3.30 P.M. who shall grant an opportunity of hearing to the petitioner and also consider his prayer in appeal in accordance with law and pass a reasoned order disposing of the appeal within 30 days from the date of conclusion of the hearing.

The present writ petition is accordingly disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)