

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 1630 of 2024

With

CAN 1 of 2024

The Board of Councillors,
Berampore Municipality & Anr.

vs.

Smt. Gita Chowdhury & Ors.

For the Appellant

**: Mr. Atanu Banerjee
Ms. Ananya Chakraborty
Ms. Priyanka Patra**

**For the Private Respondent/
Writ petitioner**

**: Mr. Pratip Kumar Chatterjee,
Sr. Adv.,
Mr. Abhijit Boral
Mr. Ashis Deb**

Heard on

: December 3, 2024

Judgment on

: December 3, 2024

DEBANGSU BASAK, J.:-

1. Affidavit of service filed in Court be taken on record.

2. Appeal is directed against an order dated July 11, 2024 passed in W.P.A. 16020 of 2024.

3. Appeal is at the behest of the municipality.

4. Learned advocate appearing for the appellants submits that the writ petitioners/private respondents are guilty of various misdeeds. Municipality received numerous complaints and in fact mass petition. Municipality decided to proceed departmentally against the private respondents/writ petitioners. One of the private respondents/writ petitioners replied to the show-cause notice while the other private respondents/writ petitioners did not do so. He submits on instructions that the withheld salary will be released within seven days from date. He submits that municipality may be permitted to proceed against the delinquents in accordance with law.

5. The private respondents/writ petitioners are represented.

6. Private respondents/writ petitioners approached the Writ Court on the ground that their salaries were stopped illegally. Private respondents/writ petitioners are teachers, attendants and Group-D staff of the municipality. None of the private respondents/writ petitioners suffered any order of suspension.

7. Apparently, show-cause notices were issued.

8. In absence of any departmental proceedings and in absence of an order of suspension, the decision of the municipality to withhold salary of any of the private respondents/writ petitioners is illegal.

9. Learned Single Judge held so. Learned Single Judge also directed the municipality to disburse the arrears salary along with the current.

10. Before us, municipality sought 7 days' time to pay the arrears as also to continue paying the current till such time decision is taken with regard to any disciplinary proceeding that the municipality may initiate.

11. In such circumstances, we find no merit in this appeal.

12. Municipality will no doubt release the salary as submitted in Court in this appeal. Municipality is at liberty to proceed against the private respondents/writ petitioners departmentally and in accordance with law.

13. **M.A.T. 1630 of 2024** and the connected application being **CAN 1 of 2024** are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

14. I agree

(Md. Shabbar Rashidi, J.)

S.D.