

05.12.2024

**Sl. No. 02
Ct. No. 23
Srimanta**

WPA/22797/2024

Bidyut Kumar Pati

-Vs.-

Union of India & Ors.

Mr. Ashok Kumar Jena,
Mr. Jatindra Barik

...for the petitioner.

Mr. Sahasrangshu Bhattacharjee,
Ms. Ranjana Chatterjee

...for the Union of India.

In connection with an alleged incident of theft of iron scrap material weight approximately 50 metric ton with tentative value of Rs.1,00,000/- an enquiry was held against Tapas Koley, Niranjana Kumar, Bidyut Kumar Pati, Asif Ahmed and Sanjoy Pal. The matter was enquired into in details and upon finding *prima facie* direct involvement of Tapas Koley and Bidyut Kumar Pati being the petitioner herein, the enquiry report was forwarded to the A.D.G.(North), New Delhi vide an office letter dated 21st June, 2024. In terms of such report necessary steps have been taken against the petitioner. Subsequently, by a letter dated 23rd July, 2024 a copy whereof is produced by the respondents today, the A.D.G.(North), New Delhi directed for conducting an independent enquiry into the matter to find out the role of the Unit Commandant in the entire incident and to forward

action taken/specific recommendation along with enquiry report to the said A.D.G.(North), New Delhi. A copy of the said letter dated 23rd July, 2024 is taken on record. The enquiry officer appointed to conduct such enquiry has issued a letter dated 12th August, 2024 to the petitioner (Bidyut Kumar Pati) with the following directions :-

"He is hereby directed to proceed on temporary duty to CISF Unit ISP, Burnpur for recording his statement with regard to taken out of scrap material illegally in a private truck on 26.05.2022 through Bhootghat Barrack Main Gate of CISF Unit ISP, Burnpur on 13.08.2024 at 11.00 hrs positively. On completion of said duty, he will report back to this Unit immediately."

Being apprehensive about a further enquiry in respect of the selfsame incident for which an enquiry has already taken place against the petitioner, the petitioner has approached this Court for necessary order and direction. On behalf of the respondents it is clarified that the petitioner has been summoned by the Enquiry Officer only to depose in respect of the enquiry conducted against the Unit Commandant. This enquiry, according to the respondents has nothing to do with or will have any bearing in respect of the enquiry already conducted and concluded

against the petitioner because action has been already taken against the petitioner subsequent to such enquiry. The petitioner will in this case only require to depose according to the respondents in connection with the incident of theft as aforesaid limited for the purpose of the enquiry to ascertain the involvement of the Unit Commandant.

Since this position is clarified by the learned Advocate appearing for the respondents on specific instruction from his client nothing further remains to be adjudicated in this writ petition after such statement being recorded.

The writ petition, therefor, is accordingly disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

All parties are directed to act on the server copy of this order duly downloaded from the official website of this Court.

(Arindam Mukherjee, J.)