

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 28977 of 2013

Prokash Chandra Maity
Versus
State of West Bengal & Ors.

For the Petitioner : Mr. Om Narayan Rai, Advocate
Mr. Prashant Agarwal, Advocate
Mr. Saroj Tulsian, Advocate
Mr. Subham Modak, Advocate
Ms. Jayanti Paul, Advocate

For the Respondent
Nos. 2 & 3 : Mr. Ankit Sureka, Advocate
Mr. Biplab Das, Advocate

For the Respondent
Nos. 5 & 6 : Mr. Kamal Krishna Pathak, Advocate
Mr. Souvik Maji, Advocate

For the State : Mr. Pradip Kumar Roy, Advocate
Mr. Partha Sarathi Pal, Advocate

Hearing concluded on : 10th April, 2024

Judgment On : 24th April, 2024

Saugata Bhattacharyya, J.:

1. Writ petition is directed against order dated 16th November, 1998 passed by the Board of Directors of North Suburban Wholesale Consumers' Co-operative Society Ltd. (hereinafter referred to as the "said Society") being respondent no.5 whereby petitioner was dismissed from service w.e.f. 17th November, 1998. At the same time the order of the appellate authority dated

11th June, 2013 affirming order of the disciplinary authority is also under challenge in this writ petition. Petitioner was placed under suspension vide order dated 19th May, 1997 issued by the respondent no.5 with immediate effect. Along with suspension by the said order dated 19th May, 1997 charge-sheet was also served upon the petitioner for initiation of disciplinary proceeding.

2. Petitioner initially joined as Lifting Assistant and thereafter promoted to the post of Officer. Ultimately he was appointed as in-charge of the Departmental Store at Baranagar (hereinafter referred to as the “said Departmental Store”) vide order dated 17th March, 1992 issued by the respondent no.5. It is submitted on behalf of the petitioner that by appointment order dated 17th March, 1992 along with petitioner Sri. H.P. Ghosh, Md. Mahiuddin, Sri. Jagadish Bhandari and Sri. Prabir Roy were also appointed as Assistant to the said Departmental Store at Baranagar having joint liability with the petitioner of Stock and Cash as well as to facilitate team work for effective running of the said store.

3. On 19th May, 1997 Chief Executive Officer of the said Society issued suspension order against the petitioner containing charge against him for which the said Society decided to initiate disciplinary proceeding against him. On perusal of the charge-sheet it appears that the said Society slapped charge against the petitioner to the extent of shortage of stock amounting to

Rs.4,96,155.09/- amounting to breach of trust resulting in initiation of disciplinary proceeding. On receipt of the charge-sheet dated 19th May, 1997 petitioner furnished reply vide letter dated 11th June, 1997 denying charge leveled against him, thereafter inquiry officer was appointed before whom petitioner attended on 20th June, 1997 and 23rd June, 1997 in order to make deliberations in support of his contentions against the charge.

4. After the last appearance of the petitioner before the inquiry officer on 23rd June, 1997 it has been submitted on behalf of the petitioner that there was a deceptive silence for a long period of time which triggered the first writ petition being W.P.A. 15567 of 1998 and the same was disposed of vide order dated 13th February, 2013. The coordinate Bench while disposing of the writ petition granted leave to the petitioner to prefer appeal against the order of dismissal dated 16th November, 1998 by directing the appellate authority to decide the same within a specified time on condoning delay due to pendency of the said writ petition. Pursuant to the direction of the coordinate Bench dated 13th February, 2013 appeal was preferred which culminated into an order of affirmation of dismissal dated 16th November, 1998 vide order dated 11th June, 2013.

5. It is the contention of the petitioner that by order of appointment dated 17th March, 1992 joint liability was fastened upon the petitioner and four other assistants but the petitioner has been singled out to fix responsibility only

upon him as it emanates from the charge-sheet dated 19th May, 1997 propelling initiation of disciplinary proceeding. There was inordinate delay in preparing and furnishing inquiry report since petitioner appeared before the inquiry officer dated 20th June, 1997 and 23rd June, 1997 but the inquiry report was prepared on 4th September, 1998 which is approximately thirteen months after the last appearance of the petitioner before the inquiry officer and the said inquiry report was ultimately served upon the petitioner on 29th October, 1998. According to the petitioner only after filing of the first writ petition being W.P.A. No. 15567 of 1998 inquiry report was served upon the petitioner. Since after long gap of approximately thirteen months inquiry report was prepared and supplied to the petitioner, it has been argued on his behalf before this Court that it was difficult for the petitioner to recollect all the relevant facts due to such long gap to make deliberation before the disciplinary authority against the inquiry report which prejudiced his right to defend.

6. Main limb of submission while questioning the method of inquiry as advanced on behalf of the petitioner is violation of natural justice by not allowing him to cross-examine the witnesses who deposed before the inquiry officer. According to the petitioner Narayan Chandra Chakraborty, Hara Prasad Ghosh, Prabir Roy and Jagadish Bhandari made depositions in the inquiry proceeding but no opportunity was granted to the petitioner to cross-examine the aforesaid persons. Out of aforesaid four witnesses Haraprasad Ghosh, Prabir Roy and Jagadish Bhandari were appointed as Assistants of the

Departmental Store along with the petitioner vide same order of appointment dated 17th March, 1992 having joint liability, therefore it has been argued that the depositions of the witnesses and the minutes of the proceedings were required to be supplied to the petitioner coupled with granting opportunity to cross-examine them; failure to take such steps by the inquiry officer ultimately appeared to be fatal to the interest of the petitioner who suffered dismissal order passed by the disciplinary authority.

7. It is also contended that audit reports of 1992-93, 1993-94 and 1994-95 were relied upon by the inquiry officer but the copies of the same were not supplied to the petitioner which also violates principle of natural justice. Before the appellate authority petitioner prayed for those audit reports including audited final accounts for certain period but the said appellate authority did not entertain such request of the petitioner. It has been submitted on behalf of the petitioner that it was within the domain of the appellate authority to allow such prayer of the petitioner to supply relevant documents but astonishingly it was observed by the appellate authority in the impugned order dated 11th June, 2013 that there is no provision for asking documents during course of hearing of appeal and the same is against the principles of natural justice. According to the petitioner the order of the appellate authority is a non-speaking order being product of non-application of mind resulting-in affirmation of the order of the disciplinary authority dated 16th November, 1998.

8. On behalf of the petitioner reliance has been placed on the following judgments:-

- i) **(2013) 4 SCC 465 (Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra and others)** paragraphs 24 to 30;
- ii) **1991 Supp (2) SCC 744 (Jute Corporation of India Ltd. vs. Commissioner of Income Tax and Another)** paragraph 6;
- iii) **(2017) 2 SCC 308 (Allahabad Bank And Others vs. Krishna Narayan Tewari)** paragraphs 6, 7 and 9;
- iv) **(2009) 4 SCC 240 (Chairman, Disciplinary Authority, Rani Laxmi Bai Kshetriya Gramin Bank vs. Jagdish Sharan Varshney & others)** paragraph 5;
- v) **(1998) 2 Cal LJ 87 (The Calcutta Municipal Corporation & Ors. vs. Paresh R. Kampani & Ors.)** paragraph 4;
- vi) **2018 SCC Online Cal 15879** passed in the writ petition being **W.P. 21637(W) of 2017**, paragraphs 6 and 7;
- vii) An unreported judgment of this Court passed in **C.O. 3984 of 2011 (M/s. Calcutta Electrical Manufacturing vs. Government of West Bengal & Ors.)**.

9. On behalf of the said Society the learned advocate has submitted that a dispute case was filed by the said Society for recovery of sum which the said Society suffered loss caused due to shortage of stock in the said Departmental

Store where petitioner was in-charge which was numbered as Dispute Case No. 24 of 1998 and Assistant Registrar of Co-operative Societies, North 24 Parganas, Barasat passed an award dated 30th July, 1999 in favour of the said Society. Maintainability of the said dispute case was questioned by the petitioner before the Assistant Registrar of Co-operative Societies which was turned down vide order dated 14th July, 1999 against which an appeal was preferred being numbered Appeal No. 67 of 1999 before the Tribunal. Since on the dispute case award was passed on 30th July, 1999 in favour of the said Society, the Tribunal vide order dated 14th September, 2000 dismissed the appeal preferred by the petitioner as infructuous. Subsequently petitioner preferred another appeal challenging the award dated 30th July, 1999 passed in Dispute Case No. 24 of 1998 being Appeal No. 27 of 2000 along with Section 5 application seeking condonation of delay. Said application seeking condonation of delay was dismissed leading to dismissal of the appeal being numbered 27 of 2000 vide order dated 18th January, 2002. Against the said order dated 18th January, 2002 petitioner filed a writ petition being W.P.A. 8668 of 2002 which was dismissed for default on 20th January, 2015 by a coordinate Bench. The said Society filed an execution case against the petitioner for realization of the amount awarded in its favour. According to the said Society since award was passed in its favour the order of dismissal passed against the petitioner gets fortified. It is also submitted that in the writ petition the petitioner has suppressed these facts relating to filing of dispute case against the petitioner which culminated into an award dated 30th July, 1999.

10. It has further been contended on behalf of the said Society that attempt has been made to make out a case based on negative equality since other employees who were appointed along with the petitioner vide same appointment order having joint responsibility were not proceeded against by the said Society. An argument was advanced on behalf of the petitioner that he was singled out in order to fasten responsibility upon him. It has further been contended that delay in publishing inquiry report is not prejudicial to the right of the petitioner to defend himself before the disciplinary authority. In support of such contention reliance has been placed on the judgments of the Apex Court reported in **(1995) 3 SCC 134 (Deputy Registrar, Co-operative Societies vs. Sachindra Nath Pandey)** and **(2009) 7 SCC 305 (The Secretary, Forest Department & Ors. vs. Abdur Rasul Chowdhury)**.

11. Based on the award passed in favour of the said Society in the dispute case it has been submitted that such award binds the parties and the same cannot be contradicted in the departmental proceeding or in any subsequent litigations arising out of the same facts. According to said Society principle of res-judicata would apply since the issue was decided in connection with the dispute case between the same parties and the petitioner was responsible for shortage of stock amounting to Rs. 4,96,155.09/-. In this regard reliance has been placed on the judgment of the Apex Court reported in **(1977) 2 SCC 806 (State of Uttar Pradesh vs. Nawab Hussain)**. In addition thereto to

demonstrate when the Court can interfere with the order of the disciplinary authority, reliance has been placed on the judgment of the Apex Court reported in **(2011) 4 SCC 584 (State Bank of Bikaner & Jaipur vs. Nemi Chand Nalwaya)** and another judgment reported in **(2006) 7 SCC 212 (State Bank of India & Ors. vs. Ramesh Dinkar Punde)** paragraphs 15 to 22.

12. On analysis of facts it appears that vide appointment order dated 17th March, 1992 though petitioner was appointed as in-charge of the said Departmental Store but along with petitioner four other persons were appointed having joint liability of Stock and Cash. As per charge-sheet dated 19th May, 1997 allegation is shortage of stock amounting to Rs. 4,96,155.09/-. The charge-sheet dated 19th May, 1997 was issued only against the petitioner but not against other employees who were appointed along with petitioner vide appointment order dated 17th March, 1992. As to why the entire responsibility has been fastened upon the petitioner excluding others being the appointees in terms of appointment order dated 17th March, 1992 cannot be discerned. The reason for not preparing and furnishing inquiry report to the petitioner for a long period of approximately thirteen months after appearance of the petitioner before the inquiry officer last on 23rd June, 1997 is also not discernible. The inquiry report was prepared on 4th September, 1998 and it was served on 29th October, 1998 upon the petitioner after petitioner's participation in the inquiry proceeding on 23rd June, 1997; why the inquiry officer took so much time after petitioner's participation on 23rd June, 1997 in the inquiry proceeding nowhere

has been disclosed but the inquiry report dated 4th September, 1998 goes to show that four witnesses were examined in the inquiry proceeding out of which three were appointed vide appointment order dated 17th March, 1992 along with the petitioner having joint liability of Stock and Cash of the said Departmental Store. Since the fact relating to appearance of the petitioner before the inquiry officer last on 23rd June, 1997 is not disputed on behalf of the said Society it is found that those four witnesses were examined behind the back of the petitioner during aforesaid moratorium of thirteen months leading to denial of right of the petitioner to cross-examine those witnesses. Nothing is on record which goes to show that minutes of the inquiry proceedings relating to examinations of those four witnesses were supplied to the petitioner prior to preparation of inquiry report wherein adverse finding has been made against the petitioner which is prejudicial to the interest of the petitioner to defend his case before the inquiry officer and to prove his innocence. On perusal of the inquiry report dated 4th September, 1998 it also transpires that audit reports of certain periods were considered by the inquiry officer but those reports were not supplied to the petitioner as submitted by the learned advocate for the petitioner. Such flaw could have been cured in the appeal proceeding when the petitioner before the appellate authority prayed for supply of the audit reports including audited final accounts for certain periods as it emanates from “Annexure P-25” to this writ petition but while deciding the appeal the appellate authority did not pay any heed to such request made by the petitioner and the same is corroborated from the order of the appellate

authority dated 11th June, 2013. Moreover the appellate authority while affirming the order of the disciplinary authority has made following observations which supports the contentions of the petitioner that the appellate authority with closed mind decided the appeal:-

“Besides, the petition as submitted during argument on 06-06-2013 house is also on the opinion that during hearing of the appeal there is no provision for asking documents. It is against the principal (sic) of natural justice.

13. In this regard reliance is place on **Jute Corporation of India** (supra) wherein in paragraph 6 it has been decided that the power of the appellate authority is coterminous with the power of the subordinate authority and the appellate authority while hearing the appeal can exercise all the powers which the original authority possesses in deciding the issue at the first instance subject to restrictions or limitations if any prescribed by the statutory provisions. The principle enunciated by the Apex Court in **Jute Corporation of India** (supra) is found to be squarely applicable in the present case and in order to provide fair opportunity to the petitioner to defend his case lacunae which were subsisting prior to consideration of the appeal by the appellate authority could have been filled up by supplying materials as asked for by the petitioner before deciding the appeal finally.

14. It is also contended on behalf of the petitioner the order of the appellate authority should contain reasons to affirm the order of the disciplinary

authority but cogent reasons are absent in the order of appellate authority for which the same is faulted and does not qualify the test of reasonableness. In **Jagadish Sharan** (supra) it has been succinctly decided by the Apex Court that order of affirmation may not contain elaborate reasons but application of mind of the appellate authority needs to be disclosed and the same can only be done if brief reasons are expressed. On applying the principle of the Apex Court contained in **Jagadish Sharan** (supra) it is found that the order of the appellate authority which has affirmed order of dismissal passed against the petitioner by the disciplinary authority has failed to assign cogent brief reasons in support of its concurrence with the decision taken by the disciplinary authority.

15. Submission made on behalf of the petitioner that opportunity was not granted to him to cross-examine the witnesses since four witnesses were examined in the inquiry proceeding appears to have substance. In spite of participation of the petitioner on two dates in the inquiry proceeding i.e. 20th June, 1997 and 23rd June, 1997 those witnesses were not examined and during the period of thirteen months after last participation of the petitioner on 23rd June, 1997 aforementioned four witnesses were examined three of whom were appointees by same appointment order dated 17th March, 1992. Therefore, chance ought to have been granted to the petitioner to cross-examine those witnesses keeping in view of the fact that three of the witnesses were having joint liability of Stock and Cash of the said Departmental Store

wherein petitioner and those witnesses were working. In this regard reliance is placed on **Ayaaubkhan Noorkhan Pathan** (supra) wherein the Apex Court took note of the observation made in the judgment of the Constitution Bench in **State of Madhya Pradesh vs. Chintaman Sadashiva Waishampayan** wherein it was observed that principle of natural justice demands party to the proceedings to be given opportunity to adduce evidence on which he relies, and evidence of the opposite party should be taken in his presence, and he should be given the opportunity of cross-examine the witnesses examined by other party. Not providing the said opportunity to cross-examine the witnesses would violate the principle of natural justice. Ultimately in paragraph 30 of **Ayaaubkhan Noorkhan Pathan** (supra) it has been held by the Apex Court as follows:-

“30. The aforesaid discussion makes it evident that, not only should the opportunity of cross-examination be made available, but it should be one of effective cross-examination, so as to meet the requirement of the principles of natural justice. In the absence of such an opportunity, it cannot be held that the matter has been decided in accordance with law, as cross-examination is an integral part and parcel of the principles of natural justice.”

(Emphasis supplied)

16. Borrowing the principle enunciated in **Ayaaubkhan Noorkhan Pathan** (supra) the conclusion which can be arrived at in the present case is due to failure of providing opportunity to the petitioner to cross-examine the witnesses

whose depositions were taken into consideration by inquiry officer while making findings against the petitioner the inquiry proceeding is vitiated. In the case at my hand not only the witnesses were examined behind back of the petitioner after last appearance of the petitioner before the inquiry officer on 23rd June, 1997 subsequent to the examination of those witnesses petitioner for the first time was made aware of such instance of examining the witnesses when inquiry report was supplied to him in the month of October, 1998.

17. As per submission of the said Society delay in publishing and furnishing enquiry report ought not be a ground for granting relief to the petitioner and reliance has been placed on the judgments of the Apex Court in **Sachindra Nath Pandey** (supra) and **Abdur Rasul Chowdhury** (supra). In **Sachindra Nath Pandey** (supra) first respondent took the records of the society with him and absconded; considering this fact it was found that appellant alone was not responsible for the delay in concluding disciplinary proceeding against the first respondent. In **Abdur Rasul Chowdhury** (supra) Apex Court observed whether delay is fatal to the disciplinary inquiry needs to be assessed on case to case basis and it is to be seen whether delay is properly explained or not. In the backdrop of facts that the respondent employee left headquarters during suspension without permission of competent authority disciplinary authority was allowed to conclude the proceeding against the employee which is not the issue in the present case. Facts of the present case lead to a situation where delay in preparing and furnishing inquiry report coupled with obtaining

depositions from the prosecution witnesses after last participation of the petitioner in the inquiry proceeding makes it abundantly clear that delay caused to obtain materials from the prosecution side denying right of the petitioner to deal with those materials and to cross examine the witnesses.

18. Much emphasis has been exerted on the award dated 30th July, 1999 passed in Dispute Case No. 24 of 1998 which came in favour of the said Society since the two appeals preferred by the petitioner before the Tribunal were dismissed. It needs to be recorded herein that the first appeal numbered Appeal 67 of 1999 was dismissed by the Tribunal since the award was passed on 30th July, 1999 prior to deciding the said appeal, therefore the said appeal was found to be infructuous. The second appeal numbered Appeal No. 27 of 2000 was also dismissed since delay caused in preferring the appeal was not condoned by the Tribunal, therefore the appeal was not registered. However, if this Court proceeds on the premise that the award dated 30th July, 1999 passed in the dispute case instituted by the said Society is still subsisting in view of the writ petition of the petitioner being W.P.A. 8668 of 2002 was dismissed for default the same does not have bearing while deciding the fate of the dismissal order passed by the disciplinary authority. The test is completely different in adjudicating the dispute case for recovery of the amount which was filed by the said Society and exercise of power of judicial review by a writ Court under Article 226 of the Constitution while examining the orders passed by the disciplinary authority and appellate authority. Therefore, principle of res

judicata urged on behalf of the said Society is not applicable in the present case since issues are completely different and this Court is considering whether in imposing order of dismissal procedural fairness and principle of natural justice were observed by the disciplinary authority or not. In the dispute case adjudicating authority considered whether pecuniary loss was caused to the said Society or not in granting monetary relief to the said Society whereas in exercising judicial review power to scrutinize the dismissal order passed against the petitioner writ court needs to look into the propriety of the dismissal order on the anvil of principle of natural justice and procedural fairness. The judgment of the Apex Court in **Nawab Hossain**(supra) is not applicable as in that case the respondent first filed writ petition before the High Court challenging disciplinary proceedings which was dismissed and thereafter a suit was filed questioning dismissal order. While returning finding Apex Court held in paragraph 8 that suit was barred by the principle of constructive res judicata since ground of challenge in the suit could have been taken in the writ petition.

19. Notwithstanding failure to disclose the facts in the writ petition relating to filing of dispute case at the instance of the said Society and appeals preferred by the petitioner before the Tribunal in view of the above discussion it appears that disclosure of the facts in the writ petition could not change the outcome of challenge laid in this writ petition against the order of the

disciplinary authority and appellate authority and as such non-disclosure of these facts by the petitioner does not appear to be fatal.

20. At the initial stage of hearing of this writ petition this Court had to consider the point of maintainability of the writ petition against the order of the disciplinary authority and appellate authority however the issue was decided vide order dated 18th October, 2023 in consideration of the submissions made by the respective parties and taking note of one relevant judgment of the Hon'ble Division Bench reported in **1990 Volume 2 CHN 284 (Arjed Ali Gazi vs. State of West Bengal & Ors.)** and it was ultimately decided that the writ petition is maintainable. One of the reasons for taking such decision was the submission made on behalf of the said Society that the disciplinary proceeding was initiated against the petitioner as per the provisions of the West Bengal Cooperative Societies Rules, 1987. Therefore at this stage there is no need to dilate on the issue of maintainability of the writ petition further.

21. Similar facts were considered by the Apex Court in **Krishna Narayan Tewari** (supra) wherein Apex Court held that normally writ Court exercises circumspection in interfering with the findings of facts recorded by the departmental authority based on the evidence adduced but in the same breath it was also observed in cases where the disciplinary authority records findings not corroborated by any evidence whatsoever or a finding is devoid of reasons the writ Court would be justified to examine the matter and grant relief in

appropriate cases. In such cases writ Court should interfere with disciplinary inquiry or the resultant orders passed by the competent authority if the inquiry was vitiated on account of violation of principles of natural justice. While indicating the reasons for which writ Court can examine the orders of the disciplinary authority it is observed that non-application of mind by the inquiry officer or the disciplinary authority, non-recording reasons in support of the conclusions arrived at by them are also ground on which the writ courts are justified in interfering with the orders of punishment. The observation which is found to be applicable in the case at my hand as made by the Apex Court in paragraph 7 of **Krishna Narayan Tewari** (supra) relates to a situation where the appellate authority instead of recording its own reasons and independently appreciating the materials on record reproduces the findings of the disciplinary authority after failure on the part of the disciplinary authority to record reasons in support of its conclusion, warrants interference by the writ court in the petition directed against the order of the disciplinary authority as well as appellate authority. On the anvil of such observations of the Apex Court the contention of the said Society that exercise of power of judicial review by the writ court in matters relating to disciplinary proceeding should be made with circumspection pales into insignificance. Therefore, the decisions in **Nemi Chand Nalaway** (supra) and **Ramesh Dinkar Punde** (supra) do not come in aid of the said Society.

22. Now question crops up that if this writ petition is allowed thereby quashing the orders of the disciplinary authority as well as appellate authority to what extent petitioner is entitled to get pecuniary relief. In order to find answer to this query this Court again relies upon paragraphs 8, 9, 10 and 11 of **Krishna Narayan Tewari** (supra) as it has been observed in those paragraphs by the Apex Court that in the event it is found that the disciplinary proceeding is defective then normally the option which is exercised by the Court is to remand the issue again to the authority for initiation of de novo proceeding but it is also decided in **Krishna Narayan Tewari** (supra) that this is not the only option which is left open to a writ court in an appropriate case. In the present case at my hand charge-sheet was issued on 19th May, 1997 which needs to be reckoned as the starting point of disciplinary proceeding against the petitioner and the same was culminated into an order of punishment which was issued on 16th November, 1998. There was a gap of approximately thirteen months after last appearance of the petitioner before the inquiry officer on 23rd June, 1997 and the inquiry report was prepared on 4th September, 1998 and supplied to the petitioner in the month of October, 1998. During such time for in action on the part of the disciplinary authority first writ petition was filed in 1998 and the same was disposed of on 13th February, 2013 granting leave to the petitioner to prefer appeal before the appellate authority. Meanwhile petitioner retired in the year 2005. Pursuant to the order dated 13th February, 2013 appeal was preferred by the petitioner which was disposed of vide order dated 11th June, 2013 affirming the order of dismissal which triggered the

present writ petition filed on 16th September, 2013. On the date of affirming the writ petition age of the petitioner was 65 years, therefore the present age of the petitioner is approximately 75 years. At this stage, it will be iniquitous and harsh to send the petitioner back to the disciplinary authority by permitting the said authority to initiate de novo proceeding.

23. In above conspectus, both the orders of the disciplinary authority dated 26th November, 1998 and appellate authority dated 11th June, 2013 stand set aside. The petitioner shall be entitled to continuity in service till the date of superannuation with all service benefits. The concerned respondent authority shall pay 50% of arrear salary for the period from the date of dismissal till the date of superannuation. During the period of suspension petitioner shall also be entitled to receive full salary adjusting subsistence allowance, if paid. Retiral benefits shall also be released in his favour on compliance of necessary formalities. Aforesaid pecuniary service benefits shall be paid to the petitioner within a period of eight weeks from the date of communication of the order.

24. In above terms the writ petition stands allowed and disposed of. However, there shall be no order as to cost.

25. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)