

04.03.2024
SL.02, Ct.3
R.Bhar

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

W.P.A. 370 of 2024

**Ratan Kumar Roy @ Ratan Roy and Anr.
-Vs.-
State of West Bengal and Ors.**

Mr. Jagriti Mishra, Adv.
Ms. Mrinmayee Das, Adv.
Mr. Raj Kumar Mitra, Adv.
.....for the petitioners

Mr. Momenur Rahaman, Adv.
Mr. Pretom Das, Adv.
.....for the State

The petitioner has filed the present writ petition seeking the release of salary/subsistence allowance for the period from August, 2023 till date.

Learned counsel for the petitioner submits that the petitioner no.1 was working as Work-Charged Chowkider with the office of the respondent nos. 4 to 6 from 23.08.1988 and the petitioner no.2 was working as Work-Charged Chowkider with the office of respondent no.5 from 16.06.1998. The respondent no.5 had filed police complaint with Maynaguri Police Station against the petitioners alleging that the stole reinforcement steel material from the department store. Based on the said complaint, Police Case No. 370 dated 16.08.2023 under Section 379 of the IPC was registered against the petitioners.

It is stated by the learned counsel for the petitioners that the petitioners were granted anticipatory bail by the Sessions Judge, Jalpaiguri by an order dated 15.09.2023. Learned counsel for the petitioners submits that

neither any disciplinary proceeding nor any order of suspension has been passed or initiated against the petitioner. Learned counsel for the petitioner further submits that the respondents are not taking back the petitioners in their service nor are paying the salary. The petitioner has submitted a representation dated 09.10.2023 to the respondent no.5. However, the same has not been decided.

After some arguments, learned counsel for the petitioner submits that at this stage, he will be satisfied if the respondent no.5 decides the representation dated 09.10.2023 in a time-bound manner.

In view of the same, the respondent no.5 is directed to decide the representation dated 09.10.2023 filed by the petitioner by way of a speaking order within a period of four weeks from today after affording an opportunity of hearing. Needless to say, that if the petitioners are aggrieved by the order passed by the respondent no.5, they shall be at liberty to challenge the same in accordance with law.

With the above direction, the present writ petition is disposed of.

(Gaurang Kanth, J.)