

11.06.2024
Sl. No.39(DL)
srn

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 1080 of 2024

Sri Sandeep Kumar

Versus

Union of India & Ors.

Mr. Subhankar Dutta

...for the Petitioner.

Mr. Ajoy Kumar Singhania

...for the Respondents.

1. Affidavit-of-service and supplementary affidavit filed by the petitioner are taken on record.
2. Mr. Singhania, learned Advocate appearing for the respondents raises the question of maintainability on the ground that during the pendency of the writ petition the order of removal from service has been passed along with all benefits.
3. The petitioner was found guilty of misconduct involving moral turpitude as he displayed inappropriate behaviour towards women which amounted to sexual harassment. Accordingly, upon completion of the alleged disciplinary proceeding, the removal order was passed on June 4,

2024 along with all admissible benefits. The petitioner had challenged the initial show cause notice.

4. Thus, in my opinion, the writ petition has become infructuous. There is an alternative remedy by way of an appeal.
5. It is the specific contention of the petitioner that the order of removal from service is vitiated because the complaints filed by the ladies had subsequently been withdrawn. The authority could not have relied upon those documents by passing the order of removal from service. In my opinion, these are issues which will be decided by the appellate authority.
6. The petitioner is granted liberty to prefer the appeal in accordance with law and all points raised in this writ petition including the initiation of the disciplinary proceeding, the entire decision making process, the validity of the show cause, the procedure adopted and the adjudication as also the order of removal from service, shall be decided in accordance with law.
7. The appeal shall be disposed of within three months from preference thereof. The authority shall act on the basis of the server copy of this order.
8. The writ petition is, thus, disposed of.

9. There shall be no order as to costs.

10. Parties are directed to act on the basis of the server copy
of this order.

(Shampa Sarkar, J.)