

Court No. 2
05.07.2024
Item No.5
dc.

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1248 of 2024

Asraful Alam @ Ashraful Alam
VS
The Superintendent of Police, Coochbehar & Anr.

Mr. Subham Ghosh,
Mr. Mayank Roy
... for the petitioner.

Mr. Pretom Das,
Mr. Anirban Banerjee
... for the State-respondents.

Report submitted by Mr. Banerjee, learned advocate appearing for the State be kept with the record.

The said report categorically states that the Regulations do not provide a delinquent government servant with any right to be represented by a lawyer and to that effect the DSP, DIB, Cooch Behar has submitted his reasons and authorities. The report also contends that the genesis of the disciplinary proceeding was because of alleged misconduct and to that effect a criminal case being Kotwali Police Station, Cooch Behar Case No. 1000/2023 dated 06.09.2023 has been registered for investigation under the relevant provisions of the Indian Penal Code and the Prevention of Corruption Act.

Learned advocate appearing for the petitioner has drawn the attention of the Court to the

communication made, over which a single sentence has been written - "Heard, considered and rejected". The same is dated 06.06.2024 and the seal is of the DSP, DIB, Cooch Behar.

Having considered the submissions advanced by the petitioner, I am of the view that the said single line order dated 06.06.2024 is to be approached before the appropriate Administrative Tribunal and this Court will not oust the jurisdiction of the Tribunal by expressing its own views.

Learned advocate for the petitioner at this stage prays for stay of the departmental proceedings being CBR District Proceeding 08/2023 dated 11.09.2023.

The said proceeding being CBR District Proceeding 08/2023 dated 11.09.2023 be stayed for a period of thirty days from date within which the petitioner will approach the appropriate forum.

This order is being passed presuming that the departmental proceeding is still pending as the same is not reflected in the report submitted by and on behalf of the State before this Court on 05.07.2024.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

This Court has not gone into the merits of the case and it will be for the proper forum to consider the grievance of the petitioner in accordance with law.

With the aforesaid observations, the writ petition being WPA 1248 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There shall be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)