

27.09.2024
Court No.2
Sl. No.45
KB

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

W.P.A 2206 of 2024

**Asraful Alam @ Ashraful Alam
-versus
The Superintendent of Police, Coochbehar & Anr.**

**Mr. Subham Ghosh
Mr. Mayank Roy
...For the Petitioner.**

**Mr. Anirban Banerjee
...For the State.**

The petitioner is serving as police under the State respondents. He is aggrieved by the ex parte order passed by the Superintendent of Police, Cooch Behar on 20th September, 2023.

By the said order the petitioner has been directed to show cause as to why he would not be dismissed from the police department in view of the proven ex parte charges.

It has been submitted by the learned advocate representing the petitioner that Original Application being No.395 of 2024 filed by the petitioner challenging the rejection of his prayer seeking permission to engage a lawyer to defend him in the disciplinary proceeding, is pending consideration before the learned State

Administrative Tribunal. The date for admission hearing of the Original Application is 9th December, 2024.

The petitioner submits that order has been passed against him ex parte without following the principles of natural justice.

On a perusal of the instruction forwarded by the Superintendent of Police, Cooch Behar, it appears that the petitioner sought for permission to be represented by a legal representative to defend him. The said prayer has been disallowed. The said issue is pending in the Original Application before the Administrative Tribunal.

Upon hearing the submissions made on behalf of the petitioner and upon perusal of the materials on record, it appears that the petitioner has been given an opportunity to show cause as to why he would not be dismissed from the department. It will be open for the petitioner to raise all issues in the show cause to be filed by him.

The time period for filing the show cause will expire today. In view of the order dated 5th July, 2024 passed by this Court in the earlier writ petition filed by the petitioner being W.P.A. No. 1248 of 2024 directing stay of CBR District Proceeding 08/2023 dated 11th September, 2023 for a period of 30 days and in view of the pendency of the Original Application before the Administrative Tribunal, the Court thinks it appropriate to extend the time given to the petitioner for filing show

cause till 3rd October, 2024. The authority shall consider the cause shown by the petitioner upon affording an opportunity of hearing to him.

It will also be open for the petitioner to approach the State Administrative Tribunal in the Original Application that is pending.

The writ petition stands disposed of.

Instruction forwarded by the Superintendent of Police, Cooch Behar signed on 27th September, 2024 is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of usual legal formalities.

(Amrita Sinha, J.)