

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1075/2022
IA NO:GA/1/2022
ASIT CHAULIA
-VS-
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 16TH MAY, 2024.

Mr. S. Chatterjee, Adv.; Mr. I. Akhtar, Adv.; Mr. H. Haque, Adv., for petitioner.
Mr. J.P. Chatterjee, Adv.; Mr. M.Jawad, Adv., for State.
Mr. N. Bhattacharjee, Adv.; Ms. D. Chatteraj, Adv.; Ms. A. Dutta, Adv., for respondent.

1. The Court: Learned counsel for the WBTC produces an order dated May 14, 2024, passed by the Appellate Authority (Managing Director).
 2. By the said order, the Appellate Authority was pleased to set aside the order of the disciplinary authority, namely the Deputy Managing Director, dated December 31, 2021. The Managing Director has rightly found that there is violation of natural justice in that the petitioner has not been furnished with the enquiry report.
 3. The enquiry report has been furnished subsequently. The petitioner has been asked to submit his comments to the enquiry report within seven days to the Disciplinary Authority.
 4. Based on the aforesaid comments and the evidence on record and the enquiry report, the disciplinary authority, namely the Deputy Managing Director, shall pass appropriate orders.
- Let a recorded order be passed.

5. If found guilty, the Deputy Managing Director shall issue a second show cause notice to the petitioner on the proposed punishment.
6. Let the petitioner reply and offer comments to the enquiry report within a period of ten days from date.
7. The clock in the enquiry has now been set back to the stage of action on the part of the disciplinary authority after the petitioner responds to the enquiry report. Hence, the petitioner shall be entitled to subsistence allowance for the period from 1st January, 2022 till date and will continue to do so until a final order is pronounced by the disciplinary authority afresh.
8. The proceeding shall continue as directed hereinabove, if the subsistence allowance to the petitioner including the arrears are paid within a period of 15 days from date.
9. In default, the entire proceeding against the petitioner shall stand quashed.
10. The writ petition stands disposed of.
11. Since the respondents have not been asked to file affidavit, the allegations made in the petitioner are deemed not to have been admitted by them.

(RAJASEKHAR MANTHA, J.)

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