

IA No. GA/1/2023
APO No. 36 of 2023
With
WPO/3327/2022

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
IN APPEAL FROM ITS
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

EJAJUL ISLAM
VERSUS
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE SOUMEN SEN
And
The Hon'ble JUSTICE UDAY KUMAR
Date: 14th May, 2024.

Appearance:
Mr. Debdutta Basu, Adv.
For the petitioner.

Mr. Amal Kumar Sen, Adv.
Mr. Sabyasachi Mondal, Adv.
For the CSTC.

The Court :- The appeal is arising out of an order passed by the learned single Judge dated 20th January, 2023 in a writ petition in which the petitioner has challenged the order of disengagement on the ground of violation of principles of natural justice.

Mr. Debduitta Basu, learned counsel appearing on behalf of the petitioner has submitted that in terms of the agreement for engagement of conductors on contract basis for Calcutta State Transport Corporation, disengagement without notice or on payment in lieu of notice at anytime is permissible, in the event of the conductors conducting himself in any manner prejudicial to the interest of the corporation and more particularly in respect of the cases enumerated in clause-16 of the said service condition. One of the grounds on which the service can be disengaged is fraud or misappropriation or any other defalcation. The petitioner was disengaged on 24th December, 2020 under clause-16(iv), (vi) and (vii). The relevant clauses are reproduced below:-

“16(iv) Gross carelessness and inattention to or neglect of work or duties.

(vi) Breach of trust or breach of confidence with reference to official secrets of the corporation.

(vii) Fraud or misappropriation or any other defalcation”.

The order of disengagement has referred to the past antecedents and also the undertaking the petitioner furnished, on the basis of which he was allowed to be joined on 4th September, 2020. The writ petitioner in the petition has not even alleged that the basis of the disengagement letter is factually incorrect or wrong. When the facts are admitted and self-evident, there cannot be any need to have a departmental proceeding.

On such consideration, the judgment reported in **(2022) 6 Supreme Court Cases 346 (K. Ragupathi-Versus-State of Uttar Pradesh And Others)** relied

upon by the learned counsel for the appellant, namely paragraph 14 thereof, could not be applicable in the instant case.

The appeal along with connected application fails. However, there shall be no order as to costs.

(SOUMEN SEN, J.)

(UDAY KUMAR, J.)

snn.