

19.03.2025
(D/L-13)
Ct. No.4
(B.K.N.)

W.P.S.T. 48 of 2025

Shyamal Kumar Das
Vs.
State of West Bengal & Ors.

Mr. Saptangshu Basu,
Mr. Nilendu Bhattacharya,
Ms. Sumita Shaw,
Mr. Soumen Chatterjee,
Ms. Shayani Das

...for the Petitioner

Mr. Swapan Banerjee,
Mr. D. N. Banerjee

...for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner has been visited with a charge memo on the eve of his retirement. He complains that the charges are founded in an allegation relating to the year 2007 and, therefore, the charges being stale could not be made the basis of a proceeding against the petitioner. It is submitted that in view of the stale charges the Tribunal should proceed to adjudicate the issue without any delay.
3. Another limb of the petitioner's submission is that much after the year 2007 the petitioner has been granted promotions and, therefore, the charges prior thereto could not have been raked up by the charge memo issued in the year 2024.

4. Since the proceeding is pending before the Tribunal and the submissions are required to be raised and considered by the Tribunal in the pending proceedings we do not at this stage propose to interfere, or exercise jurisdiction in the matter to go into the merits of the submissions.
5. At this juncture the learned counsel for the petitioner points out that even an opposition has not been filed in the Tribunal which is apparent from last order in the pending proceedings, dated 17th February, 2025. Still, the Tribunal has proceeded to record a finding that there is no inordinate delay in concluding the departmental proceedings.
6. We find such findings in an order while fixing the matter for hearing to be wholly unwarranted. However, since the entire issue is yet to be considered, we have made a query from the learned State counsel as to how much time they require for filing an opposition, since the matter has been pending before the Tribunal since at least November, 2024 that is when the first date was fixed in the matter. It is submitted that without any delay the respondents shall be filing affidavit in opposition.
7. We, therefore, consider two weeks to be a reasonable time for filing an opposition in the Tribunal. Let the same be done by the State in the pending proceedings so as to facilitate consideration of the

matter on the next date fixed as per the Tribunal's order dated 17th February, 2025.

8. The petitioner would be at liberty to file the reply in the meantime.
9. We expect that the Tribunal will proceed to finally consider the application on merits expeditiously and without any undue adjournments.
10. The writ petition stands disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)