

15.01.2025

Sl. No. 21

Court No.30
BM

WPA 9272 of 2006

Kamal Guha

Vs.

W.B.S.E.B

Mr. Anirban Mitra

... for the petitioner

Mr. Sumit Kumar Panja

Mr. Sujit Sankar Kolay

... for the WBSEDCL

1. The present writ petition has been preferred against the order of dismissal dated 8.7.2005 passed by the Disciplinary Authority and the order of the Appellate Authority, Chief Vigilance Officer passed on 12.01.2006.

2. It is submitted by the learned counsel appearing for the petitioner herein that subsequent to the order passed by the Disciplinary Authority and the Appellate Authority, **the petitioner has been acquitted by the learned Judge, 3rd Court, Basirhat in Special Case No.7 of PC Act.**

3. It is further submitted that the petitioner having been acquitted, the Appellate Authority may be directed to reconsider the appeal on the basis of the said order of acquittal or else the writ petitioner shall be severely prejudiced.

4. On hearing the learned counsel for both the parties, **the writ petition is disposed** of with the direction that the Appellate Authority being the Chief Vigilance Officer of WBSEDCL shall re-hear the appeal on the basis of the order of acquittal passed by the criminal court and follow the principle and guidelines laid down by the Supreme Court in State of **Rajasthan & Ors. Vs. Heem Singh (2021) 12 SCC 569**.

5. The order of the Chief Vigilance Officer passed in appeal dated 12.01.2006 is thus set aside. The Appellate Authority is directed to hear the appeal afresh in view of the directions above and on hearing all the concerned parties including the petitioner herein, pass an order in accordance with law within 60 days from the date of this order. The result of the hearing be duly communicated to the petitioner.

6. Pending applications stand disposed of.

7. Interim order, if any, stands vacated.

8. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)