

16.07.2025
(D/L-110)
Ct. No.4
(B.K.N.)

W.P.S.T. 91 of 2025

**Ramesh Chandra Hazra
Vs.
The State of West Bengal & Others**

Mr. Sabyasachi Chatterjee,
Mr. Akashdeep Mukherjee,
Mr. Badrul Karim,
Mr. Aritra Ghosh

...for the Petitioner

Mr. Tapan Kr. Mukherjee, Ld. AGP,
Ms. Sangeeta Roy

...for the State

1. Affidavit-in-reply filed by the petitioner is taken on record.
2. Heard learned counsel for the petitioner and the learned AGP appearing on behalf of the State.
3. The petitioner, an inspector of police was suspended on 15.07.2024. The suspension is to facilitate the conduct of proceedings arising out of charge memos dated 11.03.2024 and 27.08.2024. The sum and substance of the grievance of the petitioner is the continuance of the suspension now for a period of one year from the date of initiation of suspension.
4. It is his submission that suspension has been continued mechanically and continuance of the suspension suffers from non application of mind and in contravention of the requirement contained in a memorandum dated 16.11.2012. The relevant

provision of the memorandum being relied upon reads:

“B. Procedure

(i) The Review Committee, while assessing the justification for further continuation of any suspension, shall look into the progress of inquiry/investigation against the officer by obtaining relevant information from the authority inquiring/investigating into the charges.

(ii) The Review Committee, while examining a case, shall consider the possibility of tampering with the evidence and or influencing the process of inquiry or investigation by the officer/employee under suspension.

(iii) The Review Committee shall submit a detailed report clearly stating its recommendations including variation of the amount of subsistence allowance in terms of proviso to rule 71(1)(a) of W.B.S.R. Part-I and the reasons for arriving at such recommendations to the appointing authority concerned for considering further course of action.”

5. A plain reading of the extant memorandum reveals the requirement for continuing a suspension for a further period beyond the first three months. It requires the Review Committee to assess and justify further continuance of the suspension having regard to the progress of the enquiry and after obtaining relevant information from the enquiry officer. The memorandum further casts an obligation to consider the possibility of the delinquent tampering with the evidence and/or influencing the process of enquiry. The Review Committee after making an assessment of these factors is required to submit a detailed report stating its recommendations as regards continuance of suspension, or otherwise.

6. In the present case, however, we find that the minutes of the Review Committee dated 13.03.2025 does not manifest any such consideration as mandated under the memorandum dated 16.11.2012. The Committee has taken note of the brief background of the matter; and after recording the history upto the date of the meeting of the Review Committee has abruptly recorded a decision in the following terms:

“DECISION :-

After considering all aspects, the Committee members unanimously decided that:

1. The order of suspension shall remain in effect until the conclusion of departmental proceedings or until otherwise directed.
2. The suspended officer shall continue to receive a subsistence allowance amounting to 75% of his basic pay, along with other admissible allowances on a proportional basis.
3. The matter shall be reviewed after 180 days, if necessary.”

7. We find that the Review Committee has not considered the various aspects which were required to be considered under the extant memorandum dated 16.11.2012. It is by now a settled proposition of law that a continued and prolonged suspension visits the person effected by such suspension order with adverse consequence in society and amongst his peers. Such unnecessary prolonged continuance of the suspension in an appropriate case may itself assume a penal proportion. The memorandum has

thus been issued to regulate/guide the authorities to take an informed decision before the suspension is continued beyond the initial three months. In absence of any such consideration as required under the memorandum we find that the decision of the Review Committee to continue the suspension is unsustainable.

8. The learned AGP submits that he has recently obtained instructions from the authorities who have instructed him that the authorities propose to conclude the proceedings expeditiously within two weeks.
9. Such submissions having been recorded we find that the order of the Review Committee is unsustainable. Further continuance of suspension on the basis of such minutes of the Review Committee meeting is unsustainable and is hereby set aside. The Tribunal's order dated 21.04.2025 passed in O.A. No. 167 of 2025 upholding the suspension order is also set aside. It would be open to the authorities to proceed expeditiously to conclude the proceedings.
10. We further record that the petitioner would be under an obligation to extent full cooperation in the proceedings and appear in the same without any unnecessary lapse.
11. The writ petition is disposed of.

12. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)