

38. 07.08.2025
Court No.8
(Tanmoy)

WPA (P)/181/2025
DHIRAJ KUMAR GIRI
VS
UNION OF INDIA AND ORS.

Mr. Mani Sankar Chattopadhyay
Ms. Shalini Singh

...for the petitioner.

Mr. Anup Kanti Poddar
Ms. Anjali Shaw

...for the respondent nos. 3-5.

Mr. Suman Basu

...for the respondent no.8.

1. Learned Counsel for the petitioner, the respondent nos. 3-5 and the respondent no.8 are present.

2. With the consent of the appearing parties, the matter is heard on admission.

3. In this Public Interest Litigation (PIL) the petitioner has prayed for issuance of a writ of mandamus for initiating departmental proceeding against the private respondent and the other employees who have allegedly drawn salary without marking physical attendance in the Attendance Register. The recovery of amount and disciplinary action are prayed for against such erring officials. In support of such contention

learned Counsel for the petitioner placed reliance on certain documents filed with the petition.

4. However, a plain reading of the communication dated January 8, 2024 (Annexure 'P-3') shows that the petitioner has disclosed only one name of Shri Jainath Chaubey working as Accountant in the Office of the Chief Manager (Mining) of Parbelia Group of Mines.

5. To bolster his submission that the said person received salary without performing his duties between 2010 and 2019, he is also impleaded as a party-respondent to this PIL. Lastly, reliance is placed on a document dated June 10, 2024 to submit that the respondents admitted that the allegations were primarily investigated and *prima facie* substance was found. Since, matter has a vigilance angle, the same is forwarded to the concerned administrative end i.e. General Manager, Sodepur area.

6. So far other similarly situated persons who have not allegedly performed any duties and received salary, the allegations are vague and no details and cogent material is available before us.

7. Learned Counsel for the Employer/respondent nos. 3-5, submits that so far Jainath

Chaubey is concerned, he stood retired from service. The department scrutinized his service records and found that he actually performed his duties during the period in question and drawn salary in lieu thereof. In view of stand of learned Counsel for the employer that the matter of release of illegal payment of salary to Shri Jainath Chaubey was enquired into and nothing found against him, we find no reason for issuance of any further direction in this regard.

8. In that view of the matter, we do not find that any public interest is involved in this matter, more so, when the allegations in relation to the other employees are vague and not substantiated by any *prima facie* material. The interference of this Court is declined.

9. The PIL stands dismissed.

10. Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Sujoy Paul, J.)

(Smita Das De, J.)