

Court No. 2

16.7.2025

(Item No. 8)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 11219 of 2025

Vivek Kumar Singh

VS

Union of India & Ors.

Mr. Prodip Paul

Mr. Ravi Kumar Sharma

.... For the petitioner

Mr. Ajay Kumar Gaggar

Ms. Aishwarya Rajyashree

Mr. Sayan Banerjee

.... For respondent nos. 1 & 3 to 7

Mr. Susovan Sengupta, Ld. AGP

Mr. Sanatan Panja

.... For the State

Affidavit of service filed in Court today is
taken on record.

Mr. Prodip Paul, learned counsel
appears for the petitioner.

Mr. Sanatan Panja, learned State
counsel led by Mr. Susovan Sengupta, learned
Additional Government Pleader appears for the
State.

Mr. Ajay Gaggar, learned advocate
through virtual mode with Mr. Sayan Banerjee,
learned advocate and Ms. Aishwarya
Rajyashree, learned advocate appear for the
Union of India.

The petitioner was an employee of
Boarder Security Force and was a constable. In
the midst of his employment, it is alleged by the
respondents that the petitioner has left the job

by tendering a letter of resignation dated **April 1, 2023**, which has not been disclosed to the writ petition.

Learned counsel for the petitioner has denied and disputed this submission made on behalf of the respondents.

Referring to a representation dated **March 18, 2025** at **page 60** to the writ petition the petitioner submits that the petitioner claims reinstatement and grant of service benefits due to alleged wrongful termination. The said representation has not been considered.

In view of the above, the petitioner shall serve a copy of this writ petition along with a copy of today's order upon respondent no. 3 forthwith.

The respondent no. 3 either by himself or through a responsible officer to be properly delegated by him then upon issuing a prior hearing notice of at least two weeks to the petitioner and after granting him an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law in the light of the case made out in the writ petition and the representation at **page 60** thereto.

The entire exercise shall be carried out and completed by the respondent no. 3 and/or on his behalf by his delegate positively within a period of **eight weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner within a period of further **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the rival contentions of the parties and the parties shall be at liberty to urge their respective points during the hearing with reference to the relevant records and documents but the same shall not travel beyond the scope of the case made out in the writ petition.

In the event, the reasoned order goes in favour of the petitioner, the appropriate and jurisdictional authority/authorities shall give an immediate effect thereto in accordance with law but positively within a period of **six weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to

his claim before the respondent no. 3 and/or its delegatee during the hearing strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition **W.P.A. 11219 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)