

Dd 06 07.01.2025

MAT/845/2024
With
IA NO: CAN/1/2024, CAN/2/2024
MD. MAHAFUJUR RAHAMAN
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay, Advocates
... .. For the Appellant

Mr. Jahar Lal De, AGP
Mr. Rudranil De, Advocates
... .. For the State

1. CAN 2 of 2024 is an application for condonation of delay. Department reports a delay of 207 days.
2. Appellant explains the delay in its application for condonation.
3. For the ends of justice, the explanations offered are accepted as sufficient. Delay in making and filing the appeal is condoned. CAN 2 of 2024 is allowed.
4. Appeal is at the behest of the writ petitioner and is directed against the orders dated April 12, 2024 and April 16, 2024 passed in WPA 15866 of 2022.
5. Learned advocate appearing for the appellant submits that the appellant was a Village Level Entrepreneur working under the Gram Panchayat. He submits that the services of the appellant were wrongfully terminated without affording a hearing to the appellant. No charge sheet was issued to the appellant.
6. Learned advocate appearing for the appellant submits that, appellant was served with a notice of

termination which was assailed by the appellant by way of a writ petition. Such writ petition being WPA 6743 of 2020 was disposed of by an order dated September 21, 2020 requiring the District Magistrate to afford a reasonable opportunity of hearing to the appellant and to consider his representation. He submits that pursuant to such order dated September 21, 2020, he attended the office of the District Magistrate. However, the District Magistrate did not hear him. Additional District Magistrate took his attendance. Thereafter, appellant was surprised to find an order being communicated by the District Magistrate.

7. Learned advocate appearing for the appellant submits that as the Village Level Entrepreneur, although, he was responsible for entering data with regard to the beneficiaries of the village, the appellant did not enter the bank account details to receive the monetary benefits in respect of 13 beneficiaries. Learned advocate for the appellant, however, is unable to explain how such amount came to be found in the bank account of the appellant.
8. State is represented.
9. Appellant was a Village Level Entrepreneur. He was responsible for uploading data of the beneficiaries of a scheme disbursing public money. Administration found that the bank account of the appellant stood credited with a sum of Rs.91,000/- being the beneficial amount receivable by 13 beneficiaries at the rate of Rs.7,000/- each.
10. On such finding, District administration issued a letter of termination of the services of the appellant dated August 13, 2020. The letter of

termination dated August 13, 2020 was assailed by the appellant in WPA 6743 of 2020. District Magistrate was directed by the order dated September 21, 2020 passed in such writ petition of the appellant to hear the appellant and pass a reasoned order on the representation made by the appellant.

11. District Magistrate issued notice of hearing dated October 16, 2020 pursuant to order dated September 21, 2020 passed in WPA 6743 of 2020. District Magistrate recorded orders being Order No. 1 dated October 16, 2020 and Order No.2 dated November 9, 2020.
12. It is the contention of the appellant that although he attended the office of the District Magistrate, appellant was not heard by the District Magistrate but by the Additional District Magistrate.
13. Such contention, however, is not substantiated by any evidence at all. Materials on record suggest to the contrary. District Magistrate took the hearing. It is admitted by the appellant that he attended the office of the District Magistrate on the dates of hearing.
14. District Magistrate after taking into consideration the factual matrix, passed a reasoned order and upheld the order of termination so far as the appellant is concerned.
15. The principles of natural justice so far as termination of the employment of the appellant is concerned, were complied with.
16. It is contended on behalf of the appellant that no charge sheet was served upon the appellant and that, appellant was not permitted to defend his case.

17. With respect, we are unable to accept such contention since, the appellant knew exactly what the charge was against him. Charge was of defalcation of funds receivable by beneficiaries. It is a serious charge. Appellant is not in a position, even before us, to explain how beneficial amounts receivable by 13 beneficiaries found its place in the bank account of the appellant.
18. Learned single Judge dismissed the writ petition. We are of the view that, concerned District Magistrate must immediately lodge a First Information Report as against the appellant as the conduct of the appellant discloses commission of a cognizable offence. Police will take appropriate steps as against the appellant so far as defalcation is concerned.
19. MAT/845/2024 along with connected applications are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)