

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**23.06.2025**  
Ct. no.2  
Daily List Sl. 12  
Moumita

**WPA 12749 of 2025**

**Indian Museum Permanent Employees  
Union & Anr.**

**Vs.**

**Union of India & Anr.**

**Mr. Aditya Mondal**

**.... For the Petitioners.**

**Mr. Srijib Chakraborty**

**Mr. Arijit Baksi**

**Mr. Soumya Mukherjee**

**Ms. Rupsa Sreemani**

**....For the Respondent nos. 2 to 5**

**Mr. Sukanta Chakraborty**

**Mr. Tapan Bhanja**

**....For the Respondent no. 1/Union of India**

**Mr. Tarun Jyoti Tewari**

**Ms. Kousiki Bose**

**Mr. Dipankar Bhakta**

**.... For the Respondent no. 6**

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

Mr. Aditya Mondal, learned advocate appears for  
the petitioners.

Mr. Srijib Chakraborty, learned counsel appears for  
the respondent nos. 2 to 5.

Mr. Sukanta Chakraborty, learned counsel appears  
for the respondent no. 1/Union of India.

Mr. Tarun Jyoti Tewari, learned counsel appears for  
respondent no. 6.

The grievance of the petitioner is that the private respondent no. 6 alleged to have manufactured caste certificate and obtained the employment way back **in 1989**. Repeated complaints were lodged on this issue before the museum authority no step had been taken by the museum authority, no disciplinary proceeding has been initiated by museum authority till date. The private respondent no. 6 shall retire on **June 30, 2025**.

Learned counsel appearing for the museum authority submits that pursuant to the allegations received by it, the museum authority has lodged a criminal complaint and issued show cause notices way back on **January 18, 2015** and **July 17, 2018**. Pursuant to the criminal complaint lodged by the Indian Museum a necessary criminal case was registered before the jurisdictional criminal court, trial was held and ultimately by and order dated **July 22, 2024** the respondent no. 6 was acquitted. Learned counsel for the museum submits since the criminal trial was pending no step was taken with regard to the disciplinary proceeding against the respondent no. 6.

At this juncture, the petitioner submits that against similarly placed other employees disciplinary proceeding was initiated and the same are pending.

To counter Mr. Srijib Chakraborty, learned counsel submits that the relevant charge-sheet against those

employees have been stayed by a co-ordinate bench and as such no further steps could be proceeded with.

Mr. Tarun Jyoti Tewari, learned counsel appearing for the respondent no. 6 has opposed the prayers in the writ petition. He submits that this issue has been pending before the museum authority ***since 2013 for last 12 years***. The criminal trial has also ended ***in the year 2024***, but till date the museum authority being employer has not taken any step for conclusion of the disciplinary proceeding against the respondent no. 6. Only a week is left before retirement.

Mr. Srijib Chakraborty, on instruction submits that the museum authority in the meanwhile has obtained necessary certificates from the appropriate issuing authority of the case certificate dated ***June 28, 2013*** and ***November 6, 2015*** where the opinion of the issuing authority was that the certificates may be treated as ***false*** and the certificates are all ***fake***. The documents handed over to this court issued by the certificate issuing authority dated ***June 28, 2013*** and ***November 5, 2015*** are taken on record. After the certificates being obtained, the museum authority had issued the show cause notice and the respondent no. 6 had replied thereto. The reply to show cause dated ***December 3, 2015*** also placed before this court and has been taken on record.

Mr. Tarun Jyoti Tewari, further has challenged locus of the writ petitioner, who is Trade Union.

According to him, this writ petition is not maintainable by the Trade Union.

After considering the rival contentions of the parties and upon perusal of the materials on record, at the threshold, it appears that the respondent no. 6 has knowingly produced caste certificate contending in his favour that those are the caste certificates issued by the appropriate authority describing him as a candidate from the schedule caste. Subsequently, as referred to above, the issuing authority informed the museum authority that those certificates were false and fake. The employment with the museum authority is a government employment availed of by the respondent no. 6.

The law is well-settled that the scope of the criminal trial and scope of the disciplinary proceeding on the same set of facts are different from each other. The moment this alleged certificates were produced by the respondent no. 6 before his employer and if ultimately it is found that certificates were false and fake and the respondent no. 6 being employee has produced those knowingly before his employer then holding of the disciplinary proceeding is justified, but subject to its finding being arrived at strictly in accordance with law by following all the legal procedures.

Considering the nature of allegations against the respondent no. 6 who has availed of government employment with the museum authority, in the instant

case, this court thinks fit that disciplinary proceeding ought to have been initiated and proceeded with by the museum authority.

Insofar as the point of maintainability raised by Mr. Tewari, that a Trade Union cannot agitate this point, this court does not agree with the same because Trade Union is the body of employees to look after the interest of the employees and shall ventilate the common cause of the employees. The cause canvassed herein are definitely the causes which can be agitated by the Trade Union when the employer was reluctant to take steps in the matter.

Even if assuming though not admitting, the respondent no. 6 has not taken any advantage of his alleged caste certificates from the employer, but the moment knowingly, if it is ultimately held in the disciplinary proceeding, he has produced it before the employer, it is sufficient that there is a serious misconduct on the part of the employee.

In view of the above, the employer museum authority shall be at liberty to submit the necessary charge-sheet strictly in accordance with law and following the procedures laid down in law within **48 working hours** from date.

It is needless to mention that the employer museum authority while proceeding with the disciplinary proceeding shall strictly follow the procedures prescribed in law and shall proceed strictly in accordance with law.

The respondent no. 6 shall be at liberty to take whatever points he wishes to take relying upon whatever records and documents he wishes to rely upon before the enquiry/disciplinary authority.

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 forgoing reasons and discussions, this writ petition, **WPA 12749 of 2025** stands ***disposed of***, without any order as to costs.

Later, Mr. Tarun Jyoti Tewari, learned counsel appearing for respondent no. 6 prays for stay of operation of this order.

Such prayer is opposed by the other parties.

Such prayer is considered and rejected.

**(Aniruddha Roy, J.)**