

W.P.S.T. 265 of 2025

Dibyendu Roy Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Swapan Kumar Nandi,
Ms. Banani Bhattacharya

...for the Petitioner

Mr. Swapan Kr. Dutta, Id. G.P.,
Mr. Rajat Dutta,
Mrs. Tithi Paul

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Heard the learned counsel for the petitioner and the learned State counsel.
3. An issue arising for consideration is a punishment order pursuant to a departmental enquiry passed against the petitioner. The disciplinary authority has directed for dismissal of the petitioner from service. The appellate authority has taken a more lenient view and instead of the dismissal, petitioner has been reinstated from the date of the order of dismissal, i.e. 20.01.2025. The appellate authority has directed for compulsory retirement giving all pensionary dues to the petitioner.
4. In the circumstance, there is no extraordinary urgency requiring passing of an immediate order by this Court in exercise of jurisdiction under

Article 226 of the Constitution of India, when the matter is pending before the West Bengal Administrative Tribunal ('Tribunal' for short).

5. The learned counsel for the petitioner, in the circumstance, submits that till now the State/respondents have not even filed a reply before the Tribunal.
6. Considering this grievance of the petitioner, we direct that the State authorities should file their reply before the Tribunal by 29.01.2026.
7. Mr. Swapan Kumar Nandi, learned counsel appearing for the petitioner submits that the Court should also direct for disposal of the application by the Tribunal within a specified time frame.
8. We find no occasion to pass such an order. At present the Tribunal is non-functional. Even if the members are appointed and the Tribunal becomes functional, we recognise and acknowledge the discretion of the Tribunal to accord priority of the matters pending before it as per need.
9. We may, however, observe that it is needless to say that the Tribunal is expected to proceed with the matter expeditiously without unnecessary adjournment; or undue delay.
10. We dispose of the writ petition.
11. There will be no order as to costs.

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

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)