

18.02.2025
Item No.06
RP/SM
Ct. No.01

MAT 2247 of 2024

**Sambhu Sarkar
VS.
The State of West Bengal & Ors.**

**+
IA No.CAN 1 of 2024**

Mr. Bikash Ranjan Neogi
Ms. Ananya Neogi
Ms. Anushka Ghosh
....For Appellant

Mr. Ranjay De, Sr. Adv.
Mr. Basabjit Banerjee
Mr. Adityajit Abel Bose
....For State

1. This intra-Court appeal is directed against the order dated 18.11.2024 passed WPA 17895 of 2024. By the impugned order the learned Single Bench directed enquiry proceedings and the disciplinary proceeding to be conducted at the earliest but not beyond eight months from the date of communication of a server copy of this order. Aggrieved by such order the appellant filed the present appeal.
2. We have elaborately heard the learned advocates for the parties.
3. The appellant, a judicial officer, was implicated in a criminal case over alleged offences under Section 377/511 of the Indian Penal Code. The appellant was placed under suspension on 27.01.2016. The case was

set down for trial before the Additional Chief Judicial Magistrate, Alipurduar and by judgment dated 4.5.2019 the appellant was acquitted under Section 248(1) of CrPC. Subsequently, the order of suspension was revoked by order dated 28th November, 2019. A charge memo dated 15.12.2022 was issued to the appellant. The appellant has submitted reply to the charges and Enquiry Officer was appointed and enquiry commenced.

4. Learned advocate appearing for the appellant would contend that the appellant is put to irreparable hardship as the appellant has lost his chance of promotion and is languishing from 2016.
5. The question of considering the appellant for promotion would not arise in light of pendency of criminal proceeding. Be that as it may, the learned advocate on instruction of the appellant would submit that the next date is fixed on 24th February, 2025 by the learned Enquiry Officer and on which date the appellant would submit his written statement of defence and it is stated on behalf of the appellant that the appellant does not wish to examine any witnesses nor the appellant proposes to make any oral submission before the Enquiry Officer and requests that the enquiry proceeding may be closed and the Enquiry Officer may record his finding. The submission on behalf of the appellant is placed on record. Accordingly, while not finding any ground to interfere with the order passed by

the learned Single Bench and taking note of the submissions made on behalf of the appellant, which is placed on record, we direct the appellant to file written statement of defence on 24.02.2025 and after that the Enquiry Officer shall proceed to record his findings and draw enquiry report and place the same before the Disciplinary Authority within four weeks from 24.02.2025.

6. In view of the aforesaid observation, the appeal and the connected application are disposed of.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)