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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE
WPO/1095/2024
SANDIP SARKAR
VS.
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 22nd April, 2025

Appearance:
Mr. Debductta Basu, Adv.
For the petitioner
Mr. Naba Kumar Das, Adv.
Ms. Rajyashree Mukherjee, Adv.
For the State

The Court : Mr. Debductta Basu, learned Advocate appears for the petitioner. Mr. Rajyashree Mukherjee, learned Advocate appears for the State. None appears for the respondent nos. 2 to 5, CSTC.

The order dated February 25, 2025 shows that CSTC was represented on that date and in their presence direction was made for filing a report by way of affidavit by CSTC on or before March 18, 2025. No such report has been filed or served upon the petitioner, neither CSTC is represented today.

The petitioner was a contractual employee of CSTC, who was employed till September 8, 2024. The petitioner submits that after September 8, 2024 the petitioner was not allowed to enter into the office premises to work. The alleged order of abeyance of attendance of the petitioner was passed on September 8, 2024 as available at pages 20 and 21 to the writ petition. Such documents show neither any reason nor any charges against the petitioner. It merely suggests that until further order, the working of the petitioner remained in suspension.

Be that as it may, the petitioner claims salary from September 2024 till today. As the report has not been filed, as directed by the co-ordinate Bench, neither CSTC choose to be represented today, the following directions are made :

- (i) The respondent no.4 upon issuing a prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing shall decide the issue in the light of the case made out in the writ petition by passing a reasoned order.
- (ii) The entire exercise shall be carried out and completed by respondent no.4 positively within a period of four weeks from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a further week from the date of such reasoned order to be passed.

In the above factual backdrop, it appears to this Court that in the event the CSTC is served with a further notice of the hearing of the writ petition, this will delay the entire process of adjudication of the claim of the petitioner, whereas it is the right of the petitioner to know the fate of his claim with reasons.

This direction is mandatory.

In the event the reasoned order goes in favour of the petitioner, the necessary payments shall be released in favour of the petitioner positively within a period of four weeks from the date of the said reasoned order to be passed.

In view of the above, the decision of the CSTC dated September 8, 2024 at pages 20 and 21 to the writ petition stands set aside and quashed.

With the above observations and directions, this writ petition being **WPO/1095/2024** stands disposed of, without any order as to costs.

(ANIRUDDHA ROY, J.)

dg/