

13 **02.07.
2026**

Ct. No. 18

Ab

WPA 1973 of 2026

**Nilotpal Halder
Vs.**

The State of West Bengal and others.

Mr. Chirantan Sarkar.

... For the petitioner.

**Ms. Aparna Banerjee, Id. AGP,
Mr. Subit Majumdar.**

... For the State.

Mr. Sourav Mondal.

... for the respondent no, 4.

1. The petitioner is employed as Inspector of Excise under the Excise Directorate. While conducting a raid, the petitioner had arrested certain mischief makers and one of such mischief makers was taken into custody. This person expired soon thereafter in custody.
2. The disciplinary proceedings were initiated against the petitioner and are still pending. The petitioner has been suspended sometime in December 2024 and continues to be in suspension till date.
3. The order of suspension in terms of the notification dated August 15, 1971 bearing no. 3857F stipulates that a review has to be made not only on the subsistence allowance but also on the substantive question of suspension before the end of three months from the date of suspension. In fact, a second and subsequent review should also be done in terms of the afore-stated notification.

4. The suspension of the petitioner was challenged by him before the West Bengal Administrative Tribunal. The said application was disposed of on September 2, 2025 directing the concerned authority to review the suspension order dated December 27, 2024 and that the minutes of the meeting be communicated to the applicant, the petitioner herein, within a period of two weeks thereafter.
5. Pursuant thereto, since no steps were taken, a contempt application was also moved, whereupon the authority reviewed and reinstated the order of suspension of 2024, by its order dated January 9, 2026. However, there has been no review of this order. The period of 90 days has lapsed in April 2026.
6. The petitioner has also been enlarged on bail as there was no finding against him in so far as the death of the person in custody was concerned. Thus, the order dated January 9, 2026 ought to have been reviewed by the concerned authorities.
7. Since the statutory period for reviewing the order of suspension has not been complied nor has any review been done, the order dated January 9, 2026 is stayed till a review is caused thereof by the concerned authorities.
8. The petitioner is granted liberty to participate in the disciplinary proceedings. He will file his reply to the charge-sheet by July 20, 2026.

9. The authorities will conduct the disciplinary proceedings as expeditiously as possible and will ensure that the entire proceedings are completed by passing a reasoned order in the matter by October 31, 2026.
10. With the afore-stated directions, the writ petition is disposed of.
11. There shall, however, be no order as to costs.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)