

W.P.S.T. 24 of 2026

**Partha Singha
Vs.
The State of West Bengal & Ors.**

Mr. Golam Mustafa,
Mr. Tarasankar Samanta

...for the Petitioner

Mr. Jahar Lal De, ld. A.G.P.
Mr. Shamim-ul-Bari

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Heard the learned advocate for the petitioner as well as the learned A.G.P.
3. The writ petitioner is the applicant before the West Bengal Administrative Tribunal ('S.A.T.' for short) in O.A. No. 1437 of 2013 which is still pending.
4. It is submitted by the learned advocate that now for the last nearly 13 years, the matter remained pending, earlier for want of a coram; and now because there is no member in the S.A.T. The petitioner, therefore, is left remediless and has, thus, approached this Court.
5. The O.A. was filed assailing finding of the Superintendent of Police, Murshidabad in District Proceeding No.17 of 2007, instituted against the petitioner, a Constable in the police force. By the order dated 05.02.2010, the Superintendent of Police has awarded the following punishment :-

“1. Remand period in J.C with effect from 23.02.2007 to 01.03.2007 in c/w Berhampore PS Case No. 88/07 dated 23.02.2007 u/s 307/379/325/34 IPC & 25/27 Arms Act is treated as EOL.

2. Suspension period w.e.f. 01.03.2007 AM to 24.10.2007 PM is confirmed. He will not get anything more which he has already drawn during suspension period.

3. Annual increment for 02(two) consecutive years are forfeited with future effect.”

6. The punishment was affirmed by the Deputy Inspector General of Police, Murshidabad Range by his order dated 10.10.2011, passed on the petitioner's appeal against the order of the Superintendent of Police.
7. The learned advocate for the writ petitioner submits that a criminal proceeding was initiated in respect of the same charges and relying on same set of evidence. He submits that the present petitioner along with the other co-accused persons were acquitted by the order of the Additional Sessions Judge, 2nd Fast Track Court, Berhampore dated 30.01.2019 in Session Case No. 366 of 2018 bearing Session Trial No. 2 (January) 2019. He submits that since the criminal trial and the disciplinary proceeding are on the same set of charges and relying upon the same evidence, the petitioner is entitled to benefit

of acquittal in a criminal case as per law. It is proposed that the petitioner will approach the appellate authority, namely, the Deputy Inspector General of Police, Murshidabad Range (Respondent No.3) with a representation in this regard.

8. Reserving the petitioner's liberty to make a representation before the Respondent No.3, which it is needless to say is required to be considered by a reasoned and speaking order in accordance with law, expeditiously, we dispose of the writ petition.
9. It is not in dispute that disposal of the writ petition would render continuance of the O.A. No. 1437 of 2013 before the S.A.T. to be of no useful purpose whatsoever. The O.A. also stands disposed of in these terms.
10. There will be no order as to costs.
11. 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.)