

19th May, 2026
(D/L No.32)
Ct. No.4
(SKB)

W.P.S.T. 51 of 2026

Rajesh Roy
Versus
State of West Bengal and others

Mr. Ranajit Roy,
Mr. Indra Prosad Mullick
... for the petitioner.

1. None appears for the State. Heard the learned advocate for the petitioner.
2. The petitioner was placed under suspension in October, 2019. He approached the West Bengal Administrative Tribunal (in short 'Tribunal') praying for a relief in terms of Rule 71 of the West Bengal Service Rules (in short 'WBSR'). The competent authority was required to review the suspension and the quantum of subsistence allowance was also required to be enhanced, which has not been done.
3. We find that the Tribunal disposed of the Original Application in the following terms:

"The Tribunal finds the applicant has been kept under suspension by the concerned authority quite illegally ignoring the memo No.9266-F(P) dated 16.11.2012 and violating the ratio of the decisions passed by the Hon'ble Courts. A government servant cannot be kept under suspension indefinitely for a long period.

Having heard the submissions of the learned counsels and considering the facts and circumstances of the matter, the Tribunal disposes of this application with a direction to respondent No.2,

the District Magistrate and Collector, Krishnanagar, Nadia to review the suspension order against the present petitioner including the subsistence allowance in accordance with law every six months in terms of memo No.9266-F(P) dated 16.11.2012. The said respondent authority is further directed to see whether there is any further necessity for keeping the applicant under suspension, otherwise the order of suspension is liable to be quashed and set aside. In such event, he shall be allowed admissible benefits in accordance with law including the relief of reinstatement.”

4. The directions having issued by the Tribunal, we enquired from the learned advocate for the petitioner as to why he has approached this court assailing the order of the Tribunal. He submits that a direction be issued for expediting the action in terms of the Tribunal's order.
5. We find no occasion to issue any such order, since the timeframe has already been specified by the Tribunal with reference to a memo bearing No.9266-F(P) dated 16.11.2012 issued by the respondent authorities. The learned advocate did not point out any other provision under which a direction can be issued in excess of the direction passed by the Tribunal.
6. We, therefore, are not inclined to pass any such order. We make it clear that we did not interfere with the Tribunal's order and it will be open for the writ petitioner to take steps for implementation/enforcement of the order of the Tribunal's dated 28th July, 2025 passed in O.A.123 of 2025.

7. The writ petition is disposed of.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)