

24.06.2026
SL- 8 & 9.
AMR
Ct.No.237

WPCRC 74 of 2026

Sukumar Das

-VS.-

**Debashis Sardar, Chairman, DVC Employees Co-
operative Stores & Canteen Limited
IN**

WPA 3777 of 2024

with

RVW 119 of 2026

IA No: CAN 1 of 2026

**DVC Employees Co-operative Stores & Canteen
Limited**

-VS.-

Sukumar Das & Ors.

Mr. Debapriya Chatterjee

...for the Review Applicant/Alleged Contemnor

Ms. Senjuti Sengupta

Mr. R. Guha Thakurta

...for the Petitioner (in WPCRC/74/2026)

...for the Respondent No. 1 (in RVW/119/2026)

In Re.: CAN 1 of 2026

This is an application for condonation of delay in preferring this review application. This Court is of the opinion that the delay in filing the review application has been sufficiently explained and accordingly, the application for condonation of delay is allowed.

In Re.: RVW 119 of 2026

The present review application has been filed seeking review of the order dated February 7, 2025 passed in WPA 3777 of 2024.

By the said order, this Court set aside the disciplinary proceedings initiated against the petitioner and further directed his reinstatement in service with 25% back wages. Although the said order has not been challenged in appeal by the review applicant, it appears that, in respect of a similar order dated February 7, 2025 passed in WPA 3776 of 2024, the review applicant had preferred an appeal being MAT 399 of 2025.

The relevant portion of the order passed by the Appellate Court is reproduced below:

"13. For the reasons stated hereinabove the impugned order calls for no interference. However, this Court permits the society to hold a regular departmental enquiry against the writ petitioner, inter alia, by issuance of charge sheet and following the procedure prescribed under the West Bengal Service Rules of 1980. Strict adherence to the principles of natural justice, ingredients whereof have been briefly indicated hereinabove, must be followed. The order directing re-instatement of the writ petitioner shall be followed by automatic revival of suspension of the writ petitioner.

14. If disciplinary proceedings are initiated by issuance of formal charge sheet against the writ petitioner, it is expected that the same is concluded within a period of four months from the date of communication of a copy of this Court.

15. The impugned order to the extent that it has provided for 25 percent of wages ordinarily

payable to the writ petitioner to be paid must be complied with by the appellate society.”

This Court is of the view that, in light of the order passed by the Division Bench in MAT 399 of 2025, the order dated February 7, 2025 passed in the present writ petition requires review and suitable modification.

Accordingly, the review application is allowed. The respondent society shall be at liberty to initiate and conduct a regular departmental enquiry against the writ petitioner, inter alia, by issuing a charge-sheet and by following the procedure prescribed under the relevant service rules governing the field. The direction for reinstatement of the writ petitioner shall stand modified to the extent that, upon such initiation of disciplinary proceedings, the order of suspension shall automatically revive and remain operative in accordance with law.

In the event disciplinary proceedings are initiated, the same shall be concluded within a period of four months from the date of this order.

Since the direction regarding payment of back wages has not been interfered with by the Division Bench, the same shall be complied with within a period of one month from date.

Accordingly, the review application stands disposed of.

In Re: WPCRC 74 of 2026

The present contempt application has been filed alleging violation of the order dated February 7, 2025.

The said order has been modified by this Court today in Review Application No. 119 of 2026. Since the direction regarding payment of back wages has not been interfered with either by the Appellate Court or in the review proceeding, the alleged contemnor shall ensure payment of the back wages to the petitioner within a period of one month from date.

The alleged contemnor shall also file an affidavit of compliance before this Court on the next date fixed for hearing.

List this matter after one month under the heading '**Contempt Application**'.

(Kausik Chanda, J.)