

OD-8

ORDER SHEET

WPO No.970 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ASIT CHAULIA
-VS-
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 10th April, 2026.

Appearance:
Mr. Imtiaz Akhtar, Adv.
...for the Petitioner.
Mr. Suman Singh, Adv.
...for the State.
Mr. Deblina Chattaraj, Adv.
Ms. Poulami Chattopadhyay, Adv.
...for WBTC.

1. The petitioner is a dismissed employee of the West Bengal Transport Corporation Ltd. erstwhile The Calcutta Tramways Company [1978] Ltd. The order of dismissal was passed upon granting opportunity of hearing to the petitioner and on following the Amended Standing Order of the Company.
2. Submission of the petitioner is that the authority, who issued the show cause, is the same authority which proceeded with the entire proceeding and passed final order in the matter. The petitioner was found to possess excess cash in two consecutive months during his duty as conductor.
3. The petitioner was found to commit offence punishable under Section 12(a) (9) of the Amended Standing Order of the Company. Based on the

seriousness of the charges, loss of integrity of the company and nature and gravity of the misconduct order of penalty of dismissal from service was passed.

4. The learned advocate representing the petitioner submits that the petitioner ought to have challenged the Amended Standing Order which permits the departmental head or his delegated officer to pass an order of punishment.
5. Learned advocate for the petitioner further submits that the petitioner intends to challenge the Amended Standing Order. The same is not under challenge in the instant proceeding. There is no further point which the petitioner raises in the instant petition.
6. It appears that the final order has been passed in accordance with the service Rule of the petitioner, upon compliance of the principle of natural justice. The petitioner does not challenge the final order *per se*. The petitioner accepts that the Deputy Managing Director of the respondent authority had the jurisdiction to pass final order in the proceeding.
7. As the service Rule relying on which the order of punishment has been passed, there is no issue to be decided in the instant writ petition. Accordingly, there is no scope for interference in the impugned final order dated 30th July, 2024.
8. The writ petition fails and is hereby dismissed.
9. Urgent photostate certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

10. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(AMRITA SINHA, J.)

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