

17.10.2023
DL-13
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23669 of 2023

Jiban Mandal
Vs.
The State of West Bengal & Ors.

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay
....for the petitioner.

Ms. Srijani Mukherjee
....for the State.

The petitioner prays for partial quashing of the order dated May 23, 2023 passed by the Executive Officer, Malda Zilla Parishad & District Magistrate, Malda. By the impugned order dated May 23, 2023, the learned District Magistrate/the respondent no.3 directed the Block Development Officer to reinstate the petitioner in his service in the post of Nirman Sahayak of Jatradanga Gram Panchayat under Old Malda Development Block – Malda. The petitioner was directed to be paid his arrears of salary with effect from the date of his suspension, i.e. from March 28, 2022 after deducting the sum of Rs.76,680/-.

Mr. Das, learned counsel appearing on behalf of the petitioner submits that without considering his detailed Reply to the Show Cause, the enquiry proceedings were conducted. No reasoned order which led to the arbitrary and illegal deduction of the

aforesaid amount has been given to the petitioner. Therefore, he submits that such order of deduction should be set aside and/or quashed.

Ms. Mukherjee, learned counsel appearing on behalf of the State respondents submits that necessary instructions are required to be taken in the matter.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the respondent no.3/the District Magistrate, Malda or any other authority delegated by him, to file a Report-on-Affidavit explaining the reason for deducting the sum of Rs.76,680/- from the arrears payable to the petitioner.

The relevant orders leading up to imposition of the said penalty will also be brought on record in the said Report.

Let such Report-on-Affidavit be filed by December 1, 2023. Reply, if any, by December 8, 2023.

Let the matter appear for further consideration under the same heading **“Motion”** on **December 11, 2023**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

(Lapita Banerji, J.)