

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28682 of 2024

Rabindra Nath Mondal
-versus
The State of West Bengal & Ors.

Mr. Arun Naskar
Ms. Sandhya Das Adhikari
... For the petitioner

Ms. Ashmita Chakraborty
... For the State

1. The petitioner is a retired employee of the Animal Resources Development Department. He retired from service on attaining his normal age of superannuation on 31st October, 2023. A show cause notice was issued to him on 20th May, 2024 and he was given seven days' time to file a reply to the same.

2. On 22nd May, 2024, the petitioner submitted an application before the authority mentioning that he superannuated from service on 31st October, 2023 and it was not possible for him to recollect the details of most of the issues in which he has been asked to submit his reply by way of the show cause. He sought for photocopy of the relevant documents for preparation of the reply to the show cause.

3. The petitioner was permitted inspection of the documents. The petitioner thereafter submitted a further application on 13th June, 2024 seeking

photocopy of the subject documents for submitting a meaningful reply to the show cause.

4. Allegation of the petitioner is that he was not supplied with the photocopy of the documents sought for which he was not in a position to give a reply to the show cause notice issued.

5. A supplementary affidavit has been filed by the petitioner annexing the memorandum dated 27th September, 2024 issued by the employer along with the Article of Charges.

6. The petitioner submits that the manner in which the proceeding has been initiated against him after his retirement is illegal and bad in law. Prayer has been made to quash the same.

7. Learned advocate representing the State respondents submits, upon instruction, that the proceeding was initiated against the petitioner in compliance of the direction passed by the West Bengal Administrative Tribunal on 6th December, 2023 in Case No. OA 479 of 2022 (Amlan Roy v. The State of West Bengal & Ors.).

8. It has been submitted that the petitioner, being a retired employee of a department of the State, ought to have approached the Tribunal for relief and not filed writ petition before this Court.

9. It has been submitted that the petitioner was duly provided documents sought for on 24th June, 2024 but the petitioner has deliberately not submitted his reply. It has been submitted that the writ petition ought to be dismissed on the ground of suppression of material facts.

10. The issue of non-maintainability of the writ petition by the petitioner on the plea that the same ought to have been filed before the Tribunal is not being accepted by the Court. The West Bengal State Administrative Tribunal is non-functional for a considerable period of time. For non-availability of the judicial forum, a litigant ought not to suffer. The writ Court is accepting petitions under Article 226 of the Constitution of India only because of non-functioning of the Tribunal.

11. As it has been submitted that the documents sought for by the petitioner were forwarded to him, as such, the respondents are directed to file a report by way of an affidavit by 17th April, 2026 disclosing their stand annexing the documents which were supplied to the petitioner.

12. It will be open for the petitioner to file an exception to the same by 5th May, 2026.

13. Re-list the matter for further consideration on 8th June, 2026.

14. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

(Amrita Sinha, J.)