

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

Present :

**The Hon'ble Justice Raja Basu Chowdhury**

**WPA 28832 of 2025**

**Aniruddha Thakur  
Versus  
The State of West Bengal & Ors.**

For the petitioner : Mr. Lal Ratan Mondal  
Mr. Sk. Kiran

For the State Mr. Md. Manuwar Ali  
Mr. Md. Zakir Hossain

For the Municipality : Mr. Sarwar Jahan  
Mr. Sayantan Hazra  
Ms. Sahina Parvin  
Mr. Emrul Kayes

Heard on : 01.04.2026

**Judgment on : 01.04.2026**

**Raja Basu Chowdhury, J (Oral):**

1. Challenging, inter alia, the order of suspension dated 26<sup>th</sup> December, 2024, passed by the Chairman, Murshidabad Municipality as also the initiation of disciplinary proceedings by notice dated 27<sup>th</sup> November, 2025, issued by the Executive Officer, Murshidabad Municipality, the instant writ petition has been filed. The petitioner also seeks for a direction upon the municipal

authorities to make payment of the subsistence allowance as may be found due.

2. Mr. Jahan, learned advocate appears on behalf of Murshidabad Municipality. He submits that the order of suspension has been passed by the Chairman of the Municipality who is the disciplinary authority of the petitioner. The same has been passed in furtherance to the order dated 13<sup>th</sup> December, 2024 issued by the Director of Local Bodies, Government of West Bengal pursuant to the order dated 15<sup>th</sup> January, 2024 passed in WPA (P) 13 of 2024. According to him, the order dated 26<sup>th</sup> December, 2024 is within the competence of the authority. As such, no interference is called for on such ground. Insofar as initiation of disciplinary proceeding is concerned he submits since the proceeding has been initiated by the Executive Officer, the municipality seeks leave to withdraw the same with liberty to proceed afresh.
3. Having heard the learned advocates appearing for the respective parties and noting that in the instant case on 18<sup>th</sup> January, 2024 the Hon'ble Division Bench of this Court in a Public Interest Litigation, being WPA 13 of 2024 noting gross irregularities had been pleased to direct as follows:-

1. *The petitioner is an elected member of Murshidabad Municipality and the allegation is that despite a decision taken by the municipality in its meeting held on 12.09.2023 to investigate and conduct an enquiry with regard to certain tenders, the same has not been conducted and the private respondents are in the process of*

*compromising the issue. Considering the sensitivity of the matter and also taking note of the specific resolution passed by the municipality on 12.09.2023 the matter has to be enquired into and, therefore, we direct the second respondent, Director of Local Body, Government of West Bengal to appoint an officer, who shall immediately conduct an enquiry into the matter and thereafter proceed to take action in accordance with law.*

*2. The learned advocate for the private respondent submitted that the petitioner, being a councilor of the municipality cannot approach this Court by way of a public interest litigation. This submission is not tenable as the allegation is that unanimous decision taken by the municipality in the meeting of its councilors has not been implemented and there appears to be a camouflage attempt to shield certain illegalities and, thus, the writ petition is maintainable.*

*3. We have heard the learned Standing Counsel appearing for the Kolkata Municipal Corporation.*

*4. This writ petition is disposed of by directing the respondent no.3 to take note of the grievance of the petitioner and direct one of its officers to cause an inspection of the area and thereafter proceed in accordance with law. This direction be complied with within two weeks from the date of receipt of the server copy of this order”.*

4. In furtherance, the Director of Local Bodies by an order dated 13<sup>th</sup> December, 2024, noting gross financial irregularities had directed the initiation of disciplinary proceeding. Since then, on the basis of the enquiry conducted, an FIR has been lodged on 3<sup>rd</sup> January, 2025. Mr. Jahan, apropos to the same would submit that a criminal proceeding is under investigation. Following the same in contemplation of the disciplinary proceeding to be initiated against the petitioner, the petitioner was placed under suspension by an

order dated 26<sup>th</sup> December, 2024 as per provision of West Bengal Municipal Employees' (Classification, Control, Appeal and Conduct) Rules 2010 (hereinafter referred to as the "said Rules"). I find that the appointing authority is competent to place the employee under suspension where a disciplinary proceeding or departmental enquiry against the employee is contemplated or is pending. Having regard thereto and noting from the language of the order of suspension which was issued following a show cause and non-satisfactory explanation provided by the petitioner, I am of the view that there is no scope to interfere with such order of suspension. It is well within the domain of the employer and the disciplinary authority to issue the order of suspension in contemplation of the disciplinary proceedings.

5. Insofar as the initiation of the disciplinary proceeding is concerned vide order dated 27<sup>th</sup> November, 2025, since, Mr. Jahan learned advocate representing the municipality would voluntarily submit that there are technical error in initiating the proceeding through the Executive Officer, as he is not the disciplinary authority, having regard to the provisions contained in Rule 6 of the said Rules, let the aforesaid order dated 27<sup>th</sup> November, 2025 be set aside with liberty to the municipality to initiate a fresh proceeding.
6. Insofar as payment of subsistence allowance is concerned, I am of the view that the petitioner cannot be denied the benefit thereof, having regard to the provisions of Rule 4(3) of the said Rules.

7. Accordingly, the municipality is directed to make payment of subsistence allowance.
8. Let such subsistence allowance (both current and arrear) be disbursed in favour of the petitioner as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order.
9. With the above observations and directions, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

**(Raja Basu Chowdhury, J.)**

**SB**  
**A.R. (Court)**