

WPO/111/2018
IA NO:GA/2/2020(Old No.GA/456/2020)
GA/3/2020 (Old No.GA/525/2020)
GA/4/2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUVRA KUMAR DEY
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 21st September, 2021

(Via Video Conference)

Appearance:
Mr. Suvra Kumar Dey
.... for the petitioner (in person)

Ms. Chaitali Bhattacharya, Adv.
...for the State

Mr. Niladri Bhattacharjee, Adv.
Ms. Deblina Chattaraj, Adv.
...for WBTC

The Court : The petitioner had, inter alia, challenged the charge-sheet issued to him on 17th August, 2017 in this writ petition. Direction for filing affidavits was given on 8th May, 2018. Records reveal that affidavit-in-opposition was filed on 12th December, 2018. The petitioner thereafter took out an application being GA No.3074 of 2018, inter alia, praying for an order directing the respondent authorities including the respondent no.7 (Enquiry Officer) to complete the enquiry proceedings within two months by providing all documents and producing all witnesses as per requisition made through letter dated 28th November, 2017. The said application was disposed of keeping the writ petition pending by directing the enquiry proceeding to continue without any restriction and allowing the Enquiry

Officer to submit his report to the disciplinary authority within a time framed. The disciplinary authority was permitted to pass an appropriate order on the basis of the enquiry report within two weeks from receipt of the same. However, no effect to be given to the order of the disciplinary authority without the leave of the Court was also directed. The enquiry proceedings have been completed. The disciplinary authority has passed the order on 6th June, 2019 but such order has not been given effect to in view of the order passed by this Court on 19th December, 2018.

The petitioner has filed two applications respectively being IA No.GA/2/2020 (Old No.GA/456/2020) and GA/4/2021. GA/4/2021 is an application seeking direction upon the respondent authorities to drop and/or cancel the charge-sheet dated 17th August, 2017, finding of the enquiry dated 8th April, 2019 and final order dated 6th June, 2019.

GA/2/2020 is an application, inter alia, for setting aside and/or quashing of the letter dated 26th October, 2017 bearing no.MD/Notification/2130 as also the finding of the Enquiry Officer dated 8th April, 2019.

The scope of the writ petition which was based on the challenge to the charge-sheet cannot be expanded by allowing the petitioner to challenge the enquiry report, the order of the disciplinary authority or a letter issued subsequent to the filing of the writ petition by filing applications in the pending writ petition. The two applications filed by the writ petitioner in the pending writ petition, if entertained, shall expand the scope of the writ petition.

The petitioner who is appearing in person has decided not to press the said two applications being No.GA/2/2020 (Old No.GA/456/2020) and GA/4/2021 on the condition that the petitioner should be allowed to include the grounds contained in the said two applications in a fresh writ petition to be filed to challenge the enquiry report and the order of the disciplinary authority.

The two applications being IA No.GA/2/2020 (Old No.GA/456/2020) and GA/4/2021 are, as such, disposed of by allowing the grounds contained therein to be taken and agitated in the writ petition that may be filed by the petitioner, inter alia, challenging enquiry report and the departmental proceedings.

IA No.GA/2/2020 (Old No.GA/456/2020) and GA/4/2021 are disposed of.

RE: WPO/111/2018:

The writ petition will now be heard only in relation to the challenge to the charge-sheet issued against the petitioner along with GA/3/2020 (Old No.GA/525/2020) being an application filed by the respondent nos.2 to 6 seeking leave to impose the punishment in terms of the order passed by the disciplinary authority dated 6th June, 2019.

I am told that the petitioner has used an affidavit-in-opposition to GA/3/2020 although no direction to that effect had been given. Affidavit-in-opposition appears to have been filed on 8th April, 2021. The respondent will be at liberty to use a reply thereto, if so advised by 30th September, 2021.

Let this matter appear on 5th October, 2021.

(ARINDAM MUKHERJEE, J.)