

WPO/919/2021
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: 1st October, 2021

(Via Video Conference)

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

Ms. Chaitali Bhattacharya, Adv.
Mr. Subhendu Roy Choudhury, Adv.
...for the State Respondents

Mr. Soumya Majumder, Adv., Adv.
Ms. Deblina Chattaraj, Adv.
...for WBTC

Mr. Aditya Chaturvedi, Adv.
...for the respondent no.7

The Court : Affidavit of service filed in Court is taken record.

The petitioner in a previous writ petition being WPO No.111 of 2018 had, inter alia, challenged the charge-sheet issued to him on 17th August, 2017. In the said writ petition direction for filing affidavits was given on 8th May, 2018. In an application filed by the petitioner in the said writ petition being GA No.3074 of 2018, an order was passed on 19th December, 2018 allowing the enquiry proceedings to continue without any restriction. The Enquiry Officer was also given a liberty to submit his report to the Disciplinary Authority. The Disciplinary Authority was also at liberty to pass an appropriate order on the basis of the

enquiry report within two weeks from receipt of the enquiry report but no effect of such order was to be given without leave of the Court. The Enquiry Officer submitted his report and the Disciplinary Authority after considering the same passed the final order on 6th June, 2019. The said final order of the Disciplinary Authority dated 6th June, 2019 is, inter alia, under challenge in the writ petition. The petitioner says that no effect should be given to the order of the Disciplinary Authority dated 6th June, 2019 till the final disposal of the writ petition.

In my opinion, there is no requirement of passing any interim order in this application as the order dated 19th December, 2018 amply protects the petitioner's rights. The order dated 6th June, 2019 passed by the Disciplinary Authority cannot be given effect to without the leave of the Court. Unless such leave is obtained, the Disciplinary Authority cannot implement the order dated 6th June, 2019. The matter is required to be heard after affording the respondents an opportunity to disclose their stand on affidavits.

Let affidavit-in-opposition be filed by 15th November, 2021; reply thereto, if any, by 30th November, 2021. Liberty to mention after completion of affidavits or after expiry of the time to file affidavits provided by this order in the event no affidavits are filed.

(ARINDAM MUKHERJEE, J.)