

Constitutional Writ

**Present: The Hon'ble Mr. Justice Pranab Kumar Chattopadhyay
and
The Hon'ble Mr. Justice Kishore Kumar Prasad**

Judgment On 16.3.2010

W.P.S.T.672 of 2009

POINTS:

Duty of Police----Failure to discharge responsibilities and duties on the part of the Petitioner -----
Tribunal finds no impropriety-----If the Order is to be set aside---Service Law.

Facts:

The Petitioner herein was awarded five major and eighteen minor punishments during the period from 5th November, 1991 to 26th April, 2004. On 35 times the said petitioner was either unauthorisedly absent from duties or unauthorisedly overstayed after the expiry of the sanctioned leave period.

On examination of the relevant records Learned Tribunal approved the order passed by the Disciplinary Authority and the subsequent order passed by the Appellate Authority.

HELD:

Considering the materials on record, the Court is of the opinion that the Petitioner failed to discharge his duties and responsibilities as a member of the disciplined Police Force and his continuance in Police Service may prejudice the interest of the members of the public. Furthermore, there is no irregularity and/or infirmity in the decision of the Learned Tribunal and, therefore, the Court finds no scope to interfere with the same.

PARA-4

Mr. Asit Baran Mukherjee....For the Petitioner.

Mr. Supriyo Bose,
Ms. Abha Roy For the State.

THE COURT:

1.This writ petition has been filed challenging the order dated 9th February, 2009 passed by the learned West Bengal Administrative Tribunal in case number O.A.504 of 2005 whereby and whereunder the learned Tribunal was pleased to dismiss the application filed by the petitioner on merits.

2.From the records, we find that the petitioner herein was awarded five major and 18 minor

punishments during the period from 5th November, 1991 to 26th April, 2004. In 35 times the said petitioner was either unauthorisedly absent from duties or unauthorisedly overstayed after the expiry of the sanctioned leave period.

3.The learned Tribunal also considering the submissions of the learned Counsel of both the parties and also scrutinising the records found that there was no illegality and/or irregularity in conducting the departmental proceeding. On examination of the relevant records learned Tribunal also approved the order passed by the disciplinary authority and the subsequent order passed by the appellate authority.

4.Having heard the learned Counsel appearing for the parties and considering the materials on record, we are also of the opinion that the petitioner failed to discharge his due duties and responsibilities as a member of the disciplined police force and his continuance in police service may prejudice the interest of the members of the public. Furthermore, we do not find any irregularity and/or infirmity in the decision of the learned Tribunal and, therefore, we find no scope to interfere with the same.

5.In the aforesaid circumstances, this writ petition stands dismissed.

6.There will be no order as to costs.

7.The written instruction of the Superintendent of Police, Bankura in respect of the petitioner has been produced before this Court by the learned Advocate of the State. The same be kept on record.

8.Urgent xerox certified copy of this order, if applied for, shall be given to the appearing parties, as early as possible.

(Pranab Kumar Chattopadhyay, J.)

(Kishore Kumar Prasad, J.)