

REVISED

ITEM NO.14

COURT NO.5

SECTION XVI

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 56149/2024

[Arising out of impugned final judgment and order dated 09-08-2023 in WPST No. 398/2013 20-08-2024 in RVW No. 58/2024 passed by the High Court at Calcutta]

THE STATE OF WEST BENGAL & ORS.

Petitioner(s)

VERSUS

MD. KAMALUDDIN ANSARI & ORS.

Respondent(s)

IA No. 32999/2025 - CONDONATION OF DELAY IN FILING

IA No. 32997/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

Date : 14-02-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE SANDEEP MEHTA

**For Petitioner(s) :Ms. Madhumita Bhattacharjee, AOR
Ms. Debarati Sadhu, Adv.
Mr. Anant, Adv.**

**For Respondent(s) :Mr. Bikas Kar Gupta, Adv.
Mr. Azim H. Laskar, Adv.
Mr. Chandra Bhushan Prasad, AOR**

**UPON hearing the counsel the Court made the following
O R D E R**

Despite the fact that this petition has been filed by the State of West Bengal with a substantial delay of 391 days and there is no satisfactory explanation furnished by the State, we have considered the case on merits.

Heard learned counsel for the parties and

perused the record.

Upon perusal, we find that this is a completely frivolous and vexatious petition filed by the State of West Bengal challenging the order of the High Court, which had allowed the petition filed by the respondent and had quashed the disciplinary proceedings and further directed for release of all the dues to the respondent, who had since retired.

Brief facts as reflected from the record are that a disciplinary enquiry was conducted, in which the respondent was exonerated in 1994. However, a show cause notice was issued in 1997 proposing punishment disagreeing with the finding of the Enquiry Officer at the instance of the Vigilance department. The respondent had tendered his reply to show cause notice in 1997.

No further action was taken on the said show cause notice. However, thirteen years later, after the retirement of the respondent in the year 2007, and three years thereafter in the year 2010, a second show cause notice was issued on 22.06.2010 for the same cause, for which disciplinary proceedings were earlier initiated in 1989 and show cause notice was issued in 1997.

The respondent approached the Tribunal against

the show cause notice, which disposed of the matter directing the employer to take final decision in the disciplinary proceedings. Aggrieved by the same, the respondent preferred a writ petition before the learned Division Bench, which petition has since been allowed.

Taking note of the facts, as recorded above, it is unfortunate that the person, who was retired in 2007 even after 18 years has still not been paid his retiral dues and is only getting provisional pension.

In the above facts of the case, we dismiss these petitions filed by the State of West Bengal on the ground of delay as well as on merits and also impose costs of Rs.10,00,000/- (Rupees Ten Lakhs only), to be paid to the respondent within four weeks from today. Further all the pending retiral dues be paid within the same time.

Pending application(s) shall also stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

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