

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2026**  
**(@ SPECIAL LEAVE PETITION (C) NO(S). \_\_\_\_\_ OF 2026)**  
**(@ DIARY NO(S).55698 OF 2024)**

**AVISHEK SARKAR**

**APPELLANT(S)**

**VERSUS**

**WEST BENGAL AGRO INDUSTRIES  
CORPORATION LIMITED & ORS.**

**RESPONDENTS**

**O R D E R**

**Delay condoned.**

**2. Leave granted.**

**3. This appeal takes exception to the judgment dated 20.08.2024 passed by the Division Bench of the High Court at Calcutta (hereinafter referred to as "High Court") by which it has set aside the judgment dated 30.08.2023 passed by the learned Single Judge of the High Court.**

**4. The facts leading to filing of this appeal in nutshell are that:**

**(4.1) The appellant was appointed to the post of Sub-Assistant Engineer by West Bengal Agro Industries Corporation Limited (hereinafter**

referred to as, "Corporation") and was initially posted at Malda office. On 01.09.2014, the appellant joined the Pursurah office of the Corporation. The appellant *vide* Communication dated 04.04.2016 sought permission of the Corporation for collecting Rs.500/- as an advance amount for the sale of agricultural implements. The Corporation *vide* order dated 02.05.2016 granted the permission to collect an advance amount of Rs.500/- each from the farmers for purchasing the agricultural equipments.

(4.2) The staff at Pursurah office of the Corporation complained to the Managing Director of the Corporation *vide* complaint dated 31.05.2017 that one Sukumal Mukherjee, a Group D, OSS staff is extending a false promise to the farmers about the Government subsidy for purchase of agricultural equipments. A preliminary enquiry was conducted on 05.06.2017 and 09.06.2017. In the preliminary enquiry report dated 12.06.2017, it was found that the appellant had extended false promise to the farmers regarding Government subsidy for purchase of agricultural equipments.

A show cause notice dated 30.08.2017 was issued to the appellant, to which appellant submitted a reply. The appellant was suspended by an order dated 08.09.2017.

(4.3) The appellant challenged the aforesaid order of suspension in a Writ Petition, which was disposed of by an order dated 04.04.2019, directing the Corporation to conclude the departmental enquiry proceeding against the appellant within a period of four weeks. In compliance of the order passed by the learned Single Judge, the departmental enquiry proceeding was initiated against the appellant. The enquiry Officer in its report dated 29.04.2019 concluded as follows:

“1. Sri Sarkar was found quite unaware about the Government Schemes under which Subsidy is being disbursed to the farmers and not in touch with the acting officers of Agriculture Department of blocks under Hooghly District, Govt. of West Bengal.

2. Sri Sarkar was very much indifferent and ignorant about day-to-day running of his office, due to which Sri Sukamal Mukherjee, Group-D (OSS) acted beyond his responsibility and got a chance to influence farmers by directly interacting with them and got involved in sales related activity.

3. Sri Sarkar had failed to establish

himself as office administrator.

4. Sri Sarkar has put this Corporation before loss of face/reputation by his activity and the sales of the Pursurah Unit Office of this Corporation got affected in subsequent years.”

(4.4) The Managing Director, after taking into consideration the report of the enquiry officer, imposed the penalty of stoppage of increments for a period of three years from the date of order. The appellant challenged the aforesaid order in a Writ Petition.

(4.5) The learned Single Judge by an order dated 27.09.2019 *inter alia* held that the appellant was neither formally charge sheeted nor was the copy of the enquiry report supplied to him. It was further held that the disciplinary proceedings were contemplated and concluded against the appellant with a preconceived mind. Accordingly, the charge sheet, the enquiry report, and the order of punishment were quashed and the appellant was directed to be reinstated with all consequential benefits including back wages.

(4.6) Being aggrieved, the Corporation

preferred an appeal. The Division Bench of the High Court by an order dated 20.08.2024, *inter alia* held that the disciplinary enquiry against the appellant was conducted lawfully and the findings recorded by the enquiry officer are supported by evidence. It was further held that the charges against the appellant relating to misrepresentation of government subsidy scheme to the farmers were duly proved. The Division Bench concluded that the findings of the enquiry officer and the disciplinary authority could not be said to be perverse. The Division Bench, therefore, set aside the order passed by the learned Single Judge and allowed the appeal preferred by the respondent-Corporation.

(4.7) In the aforesaid factual background, this appeal arises for consideration.

5. Learned counsel for the appellant submitted that the High Court ought to have appreciated that the disciplinary proceedings against the appellant were conducted in violation of the Rules and principles of natural justice. It is contended that no financial misdeed or defalcation of any amount was ever alleged

or proved against the appellant. Alternatively, it is contended that the penalty imposed on the appellant in the obtaining factual matrix of the case is shockingly disproportionate.

6. Learned counsel for the respondent-Corporation, on the other hand submitted that the departmental enquiry was conducted as per the Rules in which the appellant was given an opportunity to defend himself. It is contended that the charges against the appellant have been duly found to be proved by the enquiry officer. It is argued that the findings of the enquiry officer by no stretch of imagination can be said to be either perverse or based on no evidence. It is, therefore, contended that the impugned order passed does not call for any interference.

7. We have considered the rival submissions made on both sides and have perused the record.

8. The gravamen of the charges against the appellant is that he was unaware about the Government schemes under which subsidy was being disbursed to the farmers by the State Government and he was indifferent and ignorant about day-to-day functioning

of his office. From the perusal of the enquiry report which has been accepted by the disciplinary authority, it is evident that no financial misdeed or defalcation of any amount was ever alleged or proven against the appellant. The entire amount collected from the farmers by the appellant was duly accounted for and was remitted to the office of the Corporation.

9. The appellant was appointed as Sub-Assistant Engineer in the Corporation on 24.06.2014 and he served the Corporation till 01.12.2020. The appellant is out of employment for past about six years.

10. In the facts and circumstances of the case, in our opinion, the penalty of termination of service imposed on the appellant appears to be grossly disproportionate. We, therefore, substitute the same by reduction to basic scale of pay. The appellant shall be reinstated in service by the Corporation within a period of one month from today. He shall be entitled to 50% of back wages.

11. In the result, the impugned judgment dated 20.08.2024 passed by the Division Bench of the High Court at Calcutta in APO 151 of 2023 in IA GA NO.1 of

2023 in WPO 487 of 2021, is quashed and set aside and the judgment dated 30.08.2023 passed by the learned Single Judge of the High Court in WPO 487 of 2021 is modified to the extent mentioned above.

12. The appeal is disposed of in the aforesaid terms.

13. There shall be no order as to costs.

....., J.  
(PAMIDIGHANTAM SRI NARASIMHA)

....., J.  
(ALOK ARADHE)

NEW DELHI;  
May 12, 2026.

ITEM NO.15

COURT NO.6

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).55698/2024

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 20-08-2024 IN APO NO. 151/2023 PASSED BY THE HIGH COURT AT CALCUTTA]

AVISHEK SARKAR

PETITIONER(S)

VERSUS

WEST BENGAL AGRO INDUSTRIES CORPORATION  
LIMITED & ORS.

RESPONDENTS

IA NO. 3908/2025 - CONDONATION OF DELAY IN FILING

IA NO. 47591/2026 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA NO. 32368/2025 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA NO. 27553/2025 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

Date : 12-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Mr. G.Arudhra Rao, Adv.  
Mr. Abhijit Sengupta, AOR  
Mr. Indranil Chakraborty, Adv.  
Mr. Paras Chauhan, Adv.  
Mr. Navneet Singh, Adv.  
Mr. Vishal Kumar Singh, Adv.  
Mr. Yash Yadav, Adv.

For Respondent(s) : Mr. Joydeep Mazumdar, Adv.  
Mr. Debojyoti Bhattacharya, Adv.  
Mr. Debdeep Sinha, Adv.  
Mrs. Sharmila Das, Adv.

Mrs. Momota C. Bhattacharya, Adv.  
Ms. Shalini Kaul, AOR  
Mr. Nishchaiy Sharma, Adv.

Mr. Joydeep Mazumdar, Adv.  
Mr. Debojyoti Bhattacharya, Adv.  
Mr. Debdep Sinha, Adv.  
Ms. Sarmila Das, Adv.  
Mr. Nishchaiy Sharma, Adv.  
Ms. Upma Shrivastava, AOR

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

1. Delay condoned.
2. Leave granted.
3. Appeal is disposed of in terms of the signed order, which is placed on file.
4. Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)  
COURT MASTER (SH)

(NIDHI WASON)  
ASSISTANT REGISTRAR