

**27/07
2026**

**AD/04/18
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NANDY**

(DO)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/10870/2026

**PRABIR KUMAR SAHA
VS
THE STATE OF WEST BENGAL & ORS.**

Mr. Mainak Ganguly, Advocate
Mr. Shankar Mukherjee, Advocate

.....for the Petitioner

Mr. Sovan Mukherjee, Advocate
Ms. Sneja Chatterjee, Advocate

.....for the State

Ms. Sutapa Sanyal, Advocate
Mr. Debrup Bhattacharya, Advocate
Mr. Pradeep Kumar Tulsyan, Advocate

.....for the Respondent Nos. 2 & 3

1. The petitioner, an Administrative-cum-Accounts Officer of the West Bengal State Agricultural Marketing Board (WBSAMB), had been suspended with effect from 09.03.2013 on several grounds of charges including non-completion of accounts.
2. The petitioner is aggrieved that, without giving him an opportunity to lead adequate evidence, the order of suspension of 2013, culminated in the order of termination dated 09.03.2026. It is this order of termination that has been challenged in the instant proceeding.
3. The time between the suspension and termination is almost 13 years during which time, there had been insufficient communication from the authorities and indeed, after the inquiry, the petitioner had been absolved of the majority of charges, except for the charge that the accounts had not been completed within the stipulated time.
4. The letter of termination records that a second show-cause notice had been issued on 16.02.2026, allowing the petitioner time till 05.03.2026 for submitting his reply.
5. It is quite unclear from the termination notice as to how and to what extent the charge against the petitioner, the

one found by the inquiring authority, had found the petitioner to be guilty. A single line in the termination order that the reply submitted by the petitioner was not satisfactory, coupled with a finding that the same had not been considered by the authority, renders the termination order unsustainable.

6. Even if the reply to the show-cause notice was insufficient and inadequate, the same had to be considered. The finding in the termination order is that the reply was not satisfactory and had, therefore, not been considered by the authority, resulting in the penalty of termination from service.
7. The petitioner is also further aggrieved that the appellate authority, the Principal Secretary of the Department had himself participated in the proceedings of the 146th Board Meeting held on 13.03.2026. Hence, the process before the appellate authority would render no efficacious remedy.
8. The petitioner is granted liberty to file an appeal before the appellate authority, if so advised.
9. In view thereof, in terms of the instruction handed out by Mr. Tulsyan, learned Advocate appearing on behalf of respondent nos. 2 & 3, Shri Manish Jain, IAS, Additional Chief Secretary, Forest Department, Government of West Bengal, who has been nominated as the appellate authority, will take up the appeal, if filed by the petitioner, and dispose of the same by 31.01.2027.
10. The petitioner will be entitled to make an interim prayer before the appellate authority for disbursal of his subsistence allowance.
11. With the afore-stated directions, the writ-petition is **disposed of**. No order as to costs.

(Reetobroto Kumar Mitra, J.)

