



भारत निर्वाचन आयोग

By Speed Post/E-mail

ELECTION COMMISSION OF INDIA

निर्वाचन सदन,
अशोक रोड, नई दिल्ली-110001

Nirvachan Sadan,
Ashoka Road, New Delhi-110001

No. 30/WB/ES-II/2025

Dated : 21st January, 2026

To

The Chief Secretary,
Government of West Bengal,
Nabanna, 13th Floor, 325, Sarat Chatterjee Road,
Mandirtala Shibpur,
West Bengal,
Howrah – 711102.

Subject :- Departmental proceedings against officers and status of pending disciplinary cases
– West Bengal State – regarding

Madam,

I am directed to refer to your letter No. 27-Home CE/N/RIM(Cons)/97A/2025 dated 14.01.2026, addressed to the Chief Electoral Officer, West Bengal, forwarding therewith opinion of the Ld. Advocate General in the matter.

2. In this regard, you are requested to refer to the Commission's letter of even number dated 05.08.2025, wherein, directions were given for suspension and initiation of suitable disciplinary proceedings against the concerned EROs/AEROs and for lodging of FIRs against the erring officials, including the contractual Data Entry operator, under section 32 of the RP Act, 1950, read with the relevant provisions of the Bharatiya Nyaya Sanhita, 2023 and Information Technology Act, 2000.

3. Subsequently, it was informed vide your letter No. 930-Home CE/N/RIM(Cons)/97/2025 dated 29.12.2025 that one official namely Sri. Tathagata Mondal, AERO, 137-Baruipur Purba AC has been exonerated and a minor penalty has been imposed on Sri Sudipta Das, AERO-206 Moyna, AC.

4. In this regard, your kind attention is invited to para 4.5 of the Commission's instructions No. 4/2023/SDR/Vol. I dated 31.05.2023 (copy enclosed), which mandates that disciplinary authorities shall mandatorily consult the Election Commission before closing or finalising any matter arising out of disciplinary proceedings initiated on the recommendation of the Commission.

5. It is evident that the concerned authority has failed to consult the Commission prior to taking the final decision in the matter, in violation of abovementioned instructions.
6. Since the disciplinary proceedings have been finalised without adherence to the prescribed procedure and without mandatory consultation with the Commission, the Commission does not accept such finalisation of disciplinary action. Accordingly, the same shall be treated as procedurally irregular and non est in the eyes of the Commission, warranting reconsideration strictly in accordance with the Commission's instructions.
7. Therefore, you are requested to take the following action:
- a) A written explanation shall be called for from the competent authority/officer responsible for the aforesaid procedural lapse, clearly explaining the circumstances that led to non-compliance with the Commission's instructions.
 - b) In continuation of the Commission's letter of even number dated 08.01.2026, you are requested to furnish the complete disciplinary case records, including the articles of charge, written statements of defence, inquiry reports, findings of the inquiry authority, orders of the disciplinary authority, file noting and all other relevant records forming the basis of the disciplinary action taken, in respect of all the four officials namely **Shri Tathagata Mondal, Shri Debottam Dutta Choudhury, Shri Biplab Sarker and Sh. Sudipta Das.**
8. The above information is required for consideration of the Commission by 5:00PM on 24.01.2026.

Yours faithfully,

(SUJEET KUMAR MISHRA)
SECRETARY

Copy to :- The Chief Electoral Officer, West Bengal, Kolkata (By Email/Speed Post)