

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.171 OF 2024**

Smt. Payel Biswas
Vs.
The Tripura Gramin Bank and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Ms. A. Chakraborty, Advocate.
For the Respondent(s) : Mr. P. Saha, Advocate.

05.03.2024

Order

This present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

(i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a writ of Certiorari and/or in the nature thereof, shall not be issued for directing the respondents, to transmit the records, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Orders dated 25.07.2023, 29.01.2024 & 08.02.2024 (Annexures-5, 9 & 10 respectively supra);

(ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a writ of Mandamus and/or in the nature thereof, shall not be issued, for mandating/directing them, to forthwith revoke/rescind the impugned Orders dated 25.07.2023, 29.01.2024 & 08.02.2024 (Annexures-5, 9 & 10 respectively supra), and thereupon, for directing them, to reinstate the petitioner in service, and consequently, grant the arrears of salary and allowances, to the petitioner, from the date of her termination till the date of actual reinstatement;

(iii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a writ of Prohibition and/or in the nature thereof, shall not be issued, for restraining/prohibiting them, from acting in any manner, in furtherance of the impugned Orders dated 25.07.2023, 29.01.2024 & 08.02.2024 (Annexures-5, 9 & 10 respectively supra);

(iv) In the ad-Interim, and thereafter, on hearing the parties in the Interim, an Order in terms of relief (iii) supra;

(v) Call for the records appertaining to this petition;

(vi) After hearing the parties, be pleased to make the Rule Absolute in terms of i. to iv. Above.

(vii) Costs of and incidental to this writ proceeding;

(viii) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper.

2. The brief fact of the case is that the petitioner was appointed under the Tripura Gramin Bank in 2010. Thereafter, in the year 2022, she was shifted to the D.C. Bazar Branch of the Tripura Gramin Bank. On 20.05.2023 without prior notice, the investigation was held in the premises of the Bank whereby the charges leveled on her client were misconduct and other charges. Thereafter on 22.05.2023, her client received the transfer letter and she was asked to immediately shift to the Southern Branch of Tripura Gramin Bank. Thereafter the petitioner complied with the order and after 6(six) months, she went the office and submitted her joining report. Thereafter on 25.05.2023, a show cause notice was issued against the petitioner. It was acknowledged and thereby charge-sheet was framed against her. The inquiring officer was appointed and proceeding took place and thereafter, the inquiring officer presented the report. Thereafter, she was sent another show cause notice dated 29.01.2024, wherein the Disciplinary Authority was not satisfied with the result of the inquiry committee and decided to start a 'de novo' inquiry against the petitioner. Thereafter, vide order dated 08.02.2024, the suspension period of the petitioner was extended to 3 more months.

3. Heard Ms. A. Chakraborty, learned counsel appearing for the petitioner as well as Mr. P. Saha, learned counsel appearing for respondent-Bank.

4. Ms. A. Chakraborty, learned counsel appearing for the petitioner while submitting her reply has confined her argument to the effect that the present notice dated 29.01.2024 is issued inviting the 'de novo' inquiry and calling for her explanation. The same is adverse to the interest of the petitioner and the same needs to be set aside.

5. Mr. P. Saha, learned counsel for the respondent-Bank contended that the proceeding issued is not illegal. To the earlier show cause notice dated 25.05.2023, an explanation has been submitted and the same is under active consideration with the respondents. The present notice dated 29.01.2024 calling for the explanation is on the 'de novo' inquiry, the petitioner is expected to submit his explanation and the same would be considered in accordance with the law.

6. In view of the above submission, this court is of the view that the ends of justice would be met if the direction is given to the petitioner to submit his explanation in her defence to the show cause notice dated 29.01.2024 by the respondents. It is open for the petitioner to take all objections in his defence and also place any such material on record for consideration by the respondents. On receipt of such explanation(s), the

respondents shall consider the same in accordance with the law and pass appropriate orders.

7. With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

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RAJKUMAR
SUHANJIT SINGHA
Date: 2024.03.11
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JUDGE



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