

**HIGH COURT OF TRIPURA  
AGARTALA**

**WA No.40 of 2023**

Tripura Gramin Bank & others

..... Appellant(s)

**V E R S U S**

Sri Jiban Krishna Banik

..... Respondent(s)

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For Appellant(s) : Mr. P. Saha, Advocate.

For Respondent(s) : Mr. Somik Deb, Sr. Advocate,  
Ms. Adwitiya Chakraborty, Advocate,  
Ms. Rashni Debnath, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH  
HON'BLE MR. JUSTICE S. D. PURKAYASTHA**

**\_O\_R\_D\_E\_R\_**

**09/07/2024**

Heard Mr. P. Saha, learned counsel for the appellants and Mr. Somik Deb, learned senior counsel assisted by Ms. Adwitiya Chakraborty, learned counsel for the respondent.

[2] The present litigation has a long chequered history, which is briefly chronicled hereinafter in order to appreciate the issue before us in appeal. The writ petitioner was proceeded for charges of misappropriation being a Branch Manager in Bishalgarh Branch of the appellant-Tripura Gramin Bank. In WP(C) No.205/2015 preferred by him against the penalty order, the learned writ Court did not interfere vide judgment dated 31.03.2016 (Annexure-A/4). However, the learned division bench interfered in the matter in WA No.24/2016 vide judgment dated 03.12.2019 (Annexure-2). The impugned judgment was set aside. The

disciplinary authority was directed to consider the representation of the writ petitioner after furnishing the inquiry report and pass a fresh order. Be it indicated that the penalty was of reduction to a lower grade. Upon remand, by order dated 18.06.2020, the same punishment was imposed upon the writ petitioner. He again approached the writ Court in WP(C) No.491/2020. The penalty order was set aside and the matter was remitted to the inquiry officer to allow the presenting officer to adduce witness in support of documents and exhibit them. It was also indicated that the inquiry proceedings reveals that writ petitioner had been able to recover about Rs.22 lakhs allegedly misappropriated. The impugned penalty order dated 24.01.2020 and appellate order dated 10.06.2020 were set aside. Be it also indicated that the writ petitioner had in the meantime superannuated. The learned writ Court directed that the disciplinary proceedings be completed within a period of 3(three) months failing which the entire Article of Charges would stand quashed. To further complete the chronology of facts, it is also necessary to indicate that by an order dated 16.11.2022 (Annexure-7) the learned writ Court extended the time for completion of departmental proceeding within a further period of three months. Thereafter, upon reconsideration, the same penalty was imposed by order dated 24.11.2022 (Annexure-12 to the writ petition) which was the subject matter of WP(C) No.183/2023. The learned writ Court on this occasion, found that the writ petitioner had been deprived of reasonable opportunities to submit his reply in response to the show-cause notice accompanying the enquiry report furnished by the inquiry authority. Not even a day was given to the petitioner to submit his reply to the show-cause notice. That was amounted to denial of reasonable opportunities to the delinquent charged officer to cross-examine the witnesses.

The learned writ Court by the impugned order further extended the date for completion of the proceedings. The operative part of the order reads as under:

“Accordingly, I direct the respondents to furnish the enquiry report along with the copies of the depositions to the petitioner within a period of 7(seven) days from today. On receipt of the copies of the depositions, further 2(two) weeks time is allowed to the petitioner to cross-examine the prosecution witnesses. After completion of cross-examination, the disciplinary authority shall provide fresh show-cause notice to the petitioner allowing him a reasonable time to reply to such show-cause notice. It is made clear that the petitioner shall not pray for any adjournment and to assist the inquiry authority in terms of the above directions.

With the aforesaid directions, the instant writ petition stands disposed.”

[3] Upon the survey of the entire chronology of facts as narrated hereinabove, one thing is clear that on this occasion the learned writ Court failed to interfere in the impugned order of penalty dated 24.11.2022 but instead extended the date for completion of the proceedings. Technically or legally speaking, there was no departmental proceeding in existence upon passing of the order of penalty on 24.11.2022. If the learned writ Court was persuaded on the contentions of the petitioner that there has been non-compliance of the prescribed procedure in the enquiry, and allowed opportunity to the charged officer to cross-examine the witnesses, the same could have been done only after interfering with the penalty order.

[4] Learned counsel for the appellant-Bank has submitted that since the writ petition was disposed of on the first date, necessary relevant facts could not be properly placed before the writ Court.

[5] When learned counsel for the parties have been confronted with this issue, they fairly submitted that the matter be remanded to learned writ Court for fresh consideration.

[6] In the aforesaid circumstances we are inclined to set aside the impugned judgment and remit the matter to the learned writ Court to consider it afresh in accordance with law.

[7] Accordingly, the instant appeal is disposed of. Pending application(s), if any, also stands disposed of.

**(S. D. PURKAYASTHA), J**

**(APARESH KUMAR SINGH), CJ**

