

GAHC010142442024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3587/2024

BIKASH RANJAN DAS
S/O- LATE JYOTISH CHANDRA DAS,
R/O- H.NO-12, KAMAKHYA NAGAR, DINESH OJHA PATH, BHANGAGARH,
GUWAHATI-05, ASSAM

VERSUS

THE ASSAM CO OPERATIVE APEX BANK LTD AND 8 ORS
REP. BY ITS CHAIRMAN , HAVING ITS HEAD OFFICE AT PANBAZAR,
GUWAHATI, DIST- KAMRUP (M), PIN-781001, ASSAM

2:THE CHAIRMAN
ASSAM CO-OPERATIVE APEX BANK LTD
PANBAZAR
GUWAHATI-01
DIST- KAMRUP (M)
ASSAM

3:THE MANAGING DIRECTOR
ASSAM CO-OPERATIVE APEX BANK LTD
PANBAZAR
GUWAHATI-01
DIST- KAMRUP (M)
ASSAM

4:THE GENERAL MANAGER (A AND FM)
ASSAM CO-OPERATIVE APEX BANK LTD
PANBAZAR
GUWAHATI-01
DIST- KAMRUP (M)
ASSAM

5:THE BRANCH MANAGER
DISPUR BRANCH

ASSAM CO-OPERATIVE APEX BANK LTD
GANESHGURI

GUWAHATI-06
DIST- KAMRUP (M)
ASSAM

6:RAJESH BAJAJ
R/O- ZAKIR HUSSAIN PATH
HENGRABARI
GUWAHATI-36
ASSAM AND PRESENTLY THE DIRECTOR OF M/S NORTH EAST
PLANTATIONS AND COMMERCIAL LTD HAVING ITS REGD. OFFICE AT
ROYAL CIRCLE ZOO ROAD
GUWAHATI-24
ASSAM

7:DOMBARU SAIKIA
PRESENTLY SERVING AS THE MANAGING DIRECTOR

ASSAM CO-OPERATIVE APEX BANK LTD
PANBAZAR
GUWAHATI-01
DIST- KAMRUP (M)
ASSAM

8:MILAN CHANDRA DAS
PRESENTLY SERVING AS THE GENERAL MANAGER
A AND FM DEPTT

ASSAM CO-OPERATIVE APEX BANK LTD
PANBAZAR
GUWAHATI-01
DIST- KAMRUP (M)
ASSAM

9:DILIP GHOSH
PRESENTLY SERVING AS THE GENERAL MANAGER
(I/C) ADMINISTRATION DEPTT

ASSAM CO-OPERATIVE APEX BANK LTD
PANBAZAR
GUWAHATI-01
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. P K BHUYAN, MR. A CHAMUAH

Advocate for the Respondent : SC, THE ASSAM CO OPERATIVE APEX BANK LTD.,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

31.07.2024

Heard Shri A. Chamuah, learned counsel for the petitioner, who by means of this application has put to challenge the initiation and continuation of a disciplinary proceeding. The said proceeding has been initiated vide show cause notice dated 06.11.2023.

The principal grounds of challenge are that the documents asked for by the petitioners were not furnished to him and secondly, the Enquiry Officer who was appointed was biased. Additionally, it is also contended that the disciplinary authority is himself biased towards the petitioner as he is also involved in the alleged misconduct.

Be that as it may, this Court vide the last order dated 24.07.2024 had directed, Shri P.N. Goswami, learned Standing Counsel for the respondent – Bank to obtain instructions on the aforesaid two principal grounds.

Shri Goswami, the learned State Counsel has submitted on instructions that both the principal grounds have been redressed. Firstly, he submits that the copies of the documents were sent to the address of the petitioner which was however refused. He has also submitted that the Enquiry Officer is being changed and such change would be informed to the petitioner.

Shri Goswami, the learned counsel has also placed on record a copy of the letter dated 30.07.2024 issued by the respondent – Bank to the petitioner.

Since, it is submitted that the documents which were sent to the petitioner to his residence were refused to be accepted by a relative of his, Shri Chamuah, the learned counsel has accepted the bunch of the documents in the Court itself.

This Court has already recorded the submissions of Shri Goswami, the learned State Counsel regarding the change in the Enquiry Officer.

In view of the above, this Court is of the opinion that this writ petition is no longer required to be continued and the same is accordingly closed.

As regards, the third ground of challenge, the same would be open to be agitated as and when required.

It is needless to state that the enquiry would proceed only after appointment of the new Enquiry Officer.

The communication dated 30.07.2024 mentioned above is made part of the records.

JUDGE

Comparing Assistant