

**FMA 1251 of 2021
With
IA. No. CAN 1 of 2021**

**Uttam Batabyal
Vs
Paschim Banga Gramin Bank and Ors.
(Via Video Conference)**

**Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Neil Basu**

....for the Appellant

**Mr. Baidurya Ghosal
.....for the respondents**

Party/Parties is/are represented in the order of their name/names as printed above in the cause-title.

Under challenge in this appeal is the order impugned of the Hon'ble Single Bench dated 5th March, 2021 in the writ petition being WPA 4024 of 2021.

By the said impugned order the Hon'ble Single Bench permitted the respondents to the writ petition/who are also the respondents to this appeal namely, the Bank, to complete the Disciplinary Proceedings (for short DP) initiated against the writ petitioner/the present appellant within a specified period. Further having regard to the issues raised in the writ petition, the Hon'ble Single Bench reserved the writ petition for hearing on merits with liberty granted to the parties to exchange their affidavits.

Mr. Saha Roy, learned Counsel for the appellant, submits that the DP is foundationally flawed and therefore legally unsustainable in the light of the fact that the writ petitioner/appellant had already retired from the service of the Bank when the DP was instituted and hence the Rules and Regulations of the Bank governing employer-employee relationship stood severed.

Hence this appeal.

Mr. Ghosal, learned Counsel appearing for the respondents/the Bank, submits that after the order of the Hon'ble Single Bench dated 5th March, 2021(supra), the Bank had intimated the writ petitioner/the present appellant on several occasions to attend and complete the DP as directed by the Hon'ble Single Bench. It is alleged that the writ petitioner/appellant has stayed away from the DP.

Having heard the parties and considering the materials placed at this stage, this Court is satisfied that the order impugned directing completion of the DP requires no intervention.

Accordingly, the DP be completed within a further period of six weeks from this date by the respondents/the Bank without permitting the writ petitioner/appellant to take unnecessary adjournments.

It is made clear that in the event the writ petitioner/appellant stays away from the DP inspite of intimation by the respondents/the Bank, the Bank shall be entitled to complete the DP in his absence and present the report of the Disciplinary Authority (for short DA) before the Hon'ble Single Bench.

However, in the event the writ petitioner/appellant attends the DP as intimated by the Bank, the appellant shall be entitled to an interim protection to the effect that the final order of the DA shall not be given effect to without the leave of the Hon'ble Single Bench.

It is reiterated that this order of interim protection shall stand automatically vacated in the event the writ petitioner/appellant stays away from the DP without just cause. It is also made clear that the time period for completing the DP as directed by this order binds both the parties.

FMA 1251 of 2021 and **CAN 1 of 2021** stand thus **disposed of.**

All parties to act on a server copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J)