24.08.2021
Court No. 19
Item no.15
CP

WPA 8554 of 2021

Priya Nath Mondal
Vs.
The Birbhum District Central
Co-operative Bank Ltd. & ors.

(via video conference)

Mr. Kishore Mukherjee

……for the petitioner.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Saikat Chatterjee
Mr. Raju Bhattacharyya

….for the respondents 1 to 3.

The writ petition has been filed by a retired employee of the Birbhum District Central Co-operative Bank Ltd, having its office at Suri. The petitioner submits that being misled by one Patit Paban Dutta (hereafter referred to as the 'borrower'), the petitioner who was serving as a manager of the said bank, had stood as a guarantor for enhancement of the loan amount given to the said borrower. He acknowledges that the rules of the bank did not permit such action on the part of the petitioner and it was a mistake. He submits that the borrower failed to repay the loan. As on February 18, 2021, the principal and the interest which the borrower owed to the bank amounted to

Rs.8,03,871/-. The petitioner retired from service as the branch manager of the said bank. When the petitioner applied for release of his retirement benefits, the Assistant Registrar of Co-operative Society and the Chief Executive Officer intimated the petitioner that the retirement benefit of the petitioner, i.e., the gratuity and leave salary have been kept in a suspense account and could not be released until disposal of the recovery case against the said borrower.

Records reveal that a proceeding under Section 139 of the West Bengal Co-operative Societies Act, 2006 has been initiated against the said borrower as also the petitioner who was the guarantor.

Under such circumstances, the prayer of the petitioner to release the retirement benefits minus the principal loan amount payable by the borrower, cannot be granted. The money payable to the petitioner has already been kept aside by the bank as per the letter dated March 5, 2021 of the Chief Executive Officer. The bank is directed to keep the entire amount in an interest bearing fixed deposit so that it may earn some interest and should not remain idle in the suspense account. The fixed deposit should be auto-renewable. The payment of the entire amount so deposited and acceptance will abide by the final decision in the proceedings under

Section 139 of the West Bengal Co-operative Societies Act, 2006.

It is expected that as the issue relates to the release of retirement benefits of an erstwhile branch manager of the bank, the proceedings under Section 139 should be disposed of mandatorily within six months from the date of communication of this order in accordance with law, upon affording an opportunity of hearing to all concerned. The order so passed shall be communicated to all concerned.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)