01.03.2021
Ct. No.13
Sl. No.21
akd

W.P.A. 23795 of 2019 ***[via video conference]***

[Shyama Prasad Dey -Vs- Bangiya Gramin Vikash Bank & Ors.]

Mr. Debabrata Saha Roy
Mr. Indranath Mitra
Mr. Pingal Bhattacharyya
Mr. Neil Basu
… … for the petitioner

Md. M. Hossain
… … for the Bank

Supplementary affidavit filed in court today be kept with the record.

The writ petitioner, who was the Branch Manager, Bangiya Gramin Vikash Bank, Narazole Branch, Paschim Medinipur, was met with the punishment of compulsory retirement after regular departmental proceedings. The order of punishment was imposed on 5^{th} December, 2013. An appeal from the said order confirmed the punishment of compulsory retirement by order dated 15^{th} February, 2014. Upon the matter being remanded back to the appellate authority, by a Division Bench of this Court, the said punishment order of compulsory retirement was reiterated on 9^{th} November, 2015.

The petitioner accepting the order dated 9^{th} November, 2015, applied for release of his retirement benefits in February, 2019. The Chief Manager (P&A) of the bank at Berhampore, Murshidabad by communication dated 17^{th} June, 2019 referred to Regulation 31 of the Bangiya Gramin Vikash Bank (Employees) Pension Regulations, 2018 stating that he was in no position to consider the petitioner's case for pension.

Admittedly, Regulation 31 of the Bank's Pension Regulations prescribes that an authority higher than the authority competent to impose penalty is required to decide whether the petitioner would get any pension above two-thirds of his full and admissible pension, post a punishment of compulsory retirement.

The disciplinary authority in the case of the petitioner was the General Manager (Personnel) of the bank. The Chairman of the bank in the instant case would be the higher authority competent to decide the petitioner’s entitlement under Regulation 31, as aforesaid, although the Chairman himself had decided the appeal of the petitioner.

In these circumstances and with the consent of the parties, the Chairman, Bangiya Gramin Viaksh Bank shall pass suitable orders under Regulation 31 of the Pension Regulations of the Bank for the year 2018 positively within a period of three months from the date of communication of a copy of this order. The Chairman will be entitled to take appropriate legal advise on the interpretation of the Rules of the Pension Regulations and pass suitable orders. It is expected that the pension, arrears thereof and other entitlements of the petitioner would be released in terms of the order of the Chairman within a month from any decision that the Chairman may take in this regard.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)