

19.04.2022
Item no.179
Ct. No.9
Saswata

W.P.A. 229 of 2022

Bikash Biswas

-vs-

The State of West Bengal & Ors.

Mr. Kamal Krishna Pathak

Mr. Subhajit Panja

... for the petitioner

Mr. Raja Saha

Mr. Biswabrata Basu Mallick

... for the State

Mr. Soumyadeep Biswas

... for respondent nos. 4 & 5

Mr. P.K.Roy

Mr. Biplob Das

... for respondent no. 2

The grievance of the petitioner is that the respondent authorities, without conducting any formal disciplinary proceedings at all and / or hearing the petitioner in connection with proceeding, have imposed exorbitant penalty by holding that the personal liability of the petitioner was to the tune of Rs. 20.51 lakh which has to be borne by the petitioner for damaging the property of the bank and for loss of its goodwill.

It is submitted that such course of action is patently contrary to the extant law, rules and regulations and is violative of the principles of natural justice.

Learned counsel appearing for the respondent nos. 4 & 5, however, contends that the alleged imposition of penalty dated December 10, 2021, which appears in the form of a written communication, a copy of which is annexed at page 29 (Annexure P-4) of the writ petition, was merely a preliminary step intimating to the petitioner as regards the allegation made against the petitioner. Subsequently, it is submitted, formal steps have been taken for initiating a proper disciplinary proceeding in accordance with law.

A perusal of the impugned communication at page 29 of the writ petition indicates that the board has resolved to hold the petitioner personally liable for certain violation allegedly committed by the petitioner. However, the entire tenor of the said communication clearly indicates that the same was a preliminary step for the purpose of initiating subsequent disciplinary proceeding.

Clearly, since it is submitted by the bank itself that disciplinary proceedings have been initiated thereafter, it is obvious that the observations and findings which find place in the impugned communication are entirely tentative in nature and shall not be binding on the parties in the

hearing of the impugned disciplinary proceedings.

Needless to say, the respondent nos. 4 & 5 shall conduct a proper disciplinary proceeding in accordance with law against the petitioner, if the respondents so deem fit, and will adhere to the principles of law and natural justice while undertaking such disciplinary proceedings.

W.P.A. 229 of 2022 is disposed of in the light of the above observations.

There will be no order as to costs.

Urgent photostat certified copy of this order if applied for be given to the parties on priority basis upon completion of requisite formalities.

(Sabyasachi Bhattacharyya, J.)