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16.02.2022
Court No. 23
d.g.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 935 of 2022

Bishwajyoti Roy
Vs.

Bangiya Gramin Bikash Bank & Ors.

Mr. Arijit Majumdar,
Ms. Sonam Basu.

... for the petitioner

Mr. Baidurya Ghosal,
Ms. Aatreyee Dutta.

... for the respondents

Affidavit-of-service filed in Court today is taken
on record.

The petitioner says that he has been working
as an Assistant Manager – Grade I in the respondent
no. 1 Bank. The petitioner suffered various ailments
and as such, could not join the place of transfer. The
petitioner had filed a previous writ petition being WPA
No. 20680 of 2019. The said writ petition was
disposed of on 13th November, 2019 directing the
concerned respondent to consider the prayer of the
petitioner for posting him as far as possible at a place
where the medical treatment that is required for the
petitioner and his spouse is available

The respondent no. 1 (Bank) considering such
prayer of the petitioner and had transferred the
petitioner at Sultanpur Branch instead of his
previous posting on transfer at Turka Branch. The
petitioner now says that he has suffered further
ailment and as such, opted for voluntary retirement
under the provisions of Bangiya Gramin Vikash Bank

Pension Regulations, 2018. The petitioner's application has been rejected by the respondent no. 1 vide letter dated 14th December, 2021. The petitioner has challenged this rejection.

On going through the rejection letter it appears that the decision rejecting petitioner's prayer was made as the petitioner did not submit the medical documents in support of his ailment.

After hearing the parties and considering the materials on record I find that justice will be subserved if I direct the respondent no. 3, being the General Manager (HR) Bangiya Gramin Bikash Bank, to consider the petitioner's prayer for voluntary retirement afresh on affording the petitioner an opportunity to produce the medical documents and certificates in support of his ailment. The petitioner shall produce all medical documents and certificates to respondent no. 3 with a fortnight from date. The respondent no. 3 shall pass a reasoned order after considering the petitioner's case on the basis of the documents that may be produced by him within a period of six weeks from the date of communication of a server copy of the instant order without insisting upon production of a certified copy thereof. The reasoned order that may be passed shall be communicated to the petitioner within 10 days from the date of passing of this order.

The respondent no. 3 shall be free to take an independent decision without being influenced in any

manner by any observation in the instant order since I have not gone into the merits of the writ petition.

The parties shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavit, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)