

08 18.04.2022
rkd Ct.15

W.P.A. 4646 of 2011
(IA NO: CAN 1/2014(Old No: CAN 12371/2014))

Rabi Pada Murmu
-vs-
Canara Bank & Ors.

Mr. Pramod Kumar Drolia,
Mr. S. N. Biswas

....for the petitioner.

Mr. Anjan Kumar Paul

....for the Canara Bank.

The writ petition pertains to dismissal of the petitioner from the post of Branch Manager, Bhabanibati Branch, District- Murshidabad. Petitioner has questioned the order of dismissal dated 19th August, 2008 and the subsequent order of the Appellate Authority dated 30th December, 2008 whereby the order of Disciplinary Authority has been confirmed.

Mr. Drolia, learned advocate appears on behalf of the petitioner and submits that disciplinary proceeding has been initiated against the petitioner without following the relevant rules and the punishment of dismissal from service is disproportionate, considering the nature of charge levelled against the petitioner.

Having considered the submissions made on behalf of the petitioner, this Court has made an

endeavour to ascertain the charges levelled against the petitioner which is not part of the writ petition but Mr. Drolia has submitted that by filing supplementary affidavit charge sheet dated 12th June, 2007 has been brought on record.

This Court has perused the charges levelled against the petitioner and also has considered the final order of punishment issued by the Disciplinary Authority dated 19th August, 2008.

On perusal of the order of punishment dated 19th August, 2008 it can be inferred that such order of punishment has been issued against the petitioner based on the findings of the enquiry officer after concluding the enquiry conducted against the petitioner.

This Court, on perusal of the records, is unable to find out the enquiry report and the minutes of the proceedings of the enquiry in order to find out whether enquiry has been conducted by the enquiry officer following the principles of natural justice or not.

At this juncture, Mr. Drolia has submitted that though report of the enquiry has been replied to by the petitioner but such enquiry report has not been annexed to the writ petition or supplementary affidavit.

In view of the aforementioned facts, this Court is unable to find out the veracity of the allegations made on behalf of the petitioner with regard to conducting disciplinary proceeding against the petitioner. The final order of dismissal dated 19th August, 2008 is a sequel to the enquiry report and if this Court is not in a position to examine the enquiry report the relief as sought for by the petitioner cannot be granted and it is also not the case of the writ petitioner that enquiry report has not been supplied to him at the relevant point of time. Accordingly, no order can be passed on this writ petition.

In view of above discussion, the writ petition stands dismissed.

Application, if pending, also stands dismissed.

However, there shall be no order as to costs.

The affidavit-in-opposition filed on behalf of the Bank Authority and affidavit-in-reply filed on behalf of the petitioner are taken on record.

Urgent photostat certified copy of the order,

if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)