

16.02.2022
SL No.42
Court No.8
(gc)

**FMA 1321 of 2021
With
CAN 1 of 2021**

**Syed Md. Nizamuddin Ali & Ors.
Vs.
Sonali Bank Limited & Ors.**

(Via Video Conference)

Mr. Debashis Banerjee,
Mr. S. Chakraborty,
Mr. Supreem Naskar,
...for the appellants.

The appellants are the managerial officers of the respondent bank. They have filed a suit for declaration and injunction. In the suit, they have challenged the Sonali Bank Limited, India Operation Employees (Officer and Staff) Service Rules, 2021. The learned Judge, noticing that in a writ petition filed by the Sonali Bank Limited Employees Association and another in WPO No.142 of 2021, the operation of the Sonali Bank Limited, India Operation Employees (Officer and Staff) Service Rules, 2021 was stayed initially on 9th April, 2021 and thereafter it was extended from time to time till 31st January, 2022, refused to pass any ex parte ad-interim order of injunction. The matter was fixed before the learned Trial Judge on 16th December, 2021.

We are not inclined to interfere with the discretion exercised by the learned Trial Judge in refusing to pass ex parte ad-interim order of injunction having regard to the

fact that there was already an order which had stayed the Sonali Bank Limited, India Operation Employees (Officer and Staff) Service Rules, 2021. Moreover, we also feel that the respondents were required to be heard before considering any prayer for interim order even at the ad-interim stage.

However, we direct the VIth Bench, City Civil Court or the Court in-charge of the VIth Bench, City Civil Court to consider the prayer for ad-interim reliefs provided the service returns and other requisites if service is completed to expedite the matter.

We direct the appellants to serve a copy of the plaint and injunction petition upon the respondents within 10 days from date by Speed Post with Acknowledgement Due so as to enable the respondents to make an effective representation on the date fixed upon service of such notice. It would be open for the plaintiffs/appellants to move the injunction petition before the learned Bench upon prior service to the respondents.

We do not find any reason to interfere with the order passed by the learned Trial Judge.

Accordingly, the appeal being FMA 1321 of 2021 and the application being CAN 1 of 2021 stand disposed of.

We make it clear that in considering the prayer for ad-interim relief in presence of the respondents, the Trial Court shall not be influenced by the observations made by us in this order or by its previous order of refusal.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)