

14.12.2022.
p.b.
Sl. No.22.

W.P.A. 22800 of 2022

Chayan Ray
Vs.
The West Bengal State
Co-operative Bank Ltd. & Ors.

Mr. P. C. Bhattacharya,
Mr. A. K. Datta,
Mr. P. Banerjee.

.....for the petitioner.

Mr. Pradip Kumar Roy,
Mr. Joydeep Roy.

.....for the State.

Mr. Malay Kr. Ray.

.....for the respondent no.5.

Heard learned advocates appearing for the parties.

It is the case of the petitioner that a disciplinary proceeding was initiated against the petitioner some times in the year 2009 and petitioner has been kept under suspension till date without completing the enquiry. It appears from record that petitioner on earlier occasion had filed a writ petition being WPA 11510 of 2017 in which an order was passed by another co-ordinate Bench of this Court on 3rd May, 2017 for completing the entire disciplinary proceeding by 31st August, 2017, but, it is unfortunate and a very reckless attitude of the respondent enquiry officer concerned that till date he could not complete the disciplinary proceeding within the time stipulated by this Court by the order dated 3rd May, 2017

which is a clear case of contempt also. At the same time, there is laches on the part of the petitioner in sitting over his right and not diligently approaching this Court.

The respondent no.5, who is the Enquiry Officer, though he has no locus standi in this matter and his job is over just after filing the enquiry report, on behalf of the respondent no.5 it has been submitted that the enquiry report has already been submitted by him on 4th October, 2022.

In view of the facts and circumstances of this case as appears from record and submission of the parties, this writ petition being WPA 22800 of 2022 is disposed of by directing the respondent disciplinary authority concerned to complete the whole disciplinary proceeding and pass a final order strictly in accordance with law and by reasoned and speaking order, within four weeks from the date of communication of this order. In case of failure to complete the entire disciplinary proceeding and pass a final order within the time stipulated herein, the disciplinary proceeding in question shall stand quashed and the salary of the respondent authority concerned shall be stopped by the authority responsible for payment of salary.

(Md. Nizamuddin, J.)