

8th September, 2023
(D/L No.01)
(SKB)

W.P.A. 1992 of 2019

Asoke Kumar Bandyopadhyay
Versus
The Bangiya Gramin Bikash Bank
through the Chairman and another

Mr. Sudeep Sanyal,
Mr. Sukanta Das,
Mr. Chandrachur Lahiri
... for the petitioner.

Mr. Baidurya Ghosal
... for the respondents/Bank.

1. Heard Mr. Sanyal, learned advocate for the petitioner and Mr. Ghosal, learned advocate for the respondents/Bank at length. The present writ petition is now taken up for passing appropriate order.
2. The present writ petitioner is the Branch Manager of the respondent no.1, Bangiya Gramin Bikash Bank. On the basis of a departmental enquiry, the petitioner was dismissed from service by an order dated 8th February, 2007 passed by the Disciplinary Authority and the Chairman of the respondent no.1, Bank. The writ petitioner thereafter preferred an appeal before the Appellate Authority and the said Appellate Authority by Order No.25/2011 dated 03.8.2011 passed the following order:

“Considering all aspects of matter mentioned here-in-above and also after perusal of his appeal petition

carefully, Appellate Authority of the Bank has taken a lenient view in case of punishment imposed on Sri Ashoke Kumar Bandyopadhyay (CSO) by reinstating him in the Bank and modified the punishment order as follows.

“Reduction of Basic Pay by 5 (five) stages in the time Scale of Pay which he belonged prior to his dismissal from service”.

3. Both the writ petitioner and the Bank did not challenge the order of the Appellate Authority and, thus, by issuing a letter dated 16.8.2011, the General Manager (P&A) of the respondent no.1/Bank reinstated the writ petitioner in the service of the respondent no.1/Bank as Officer, Scale-I w.e.f. 03.08.2011 with the imposition of the punishment as awarded by the Appellate Authority and, at the same time, the writ petitioner’s annual increment has been shifted to August each year.
4. Mr. Sanyal, learned advocate for the petitioner, while arguing this case, submits before this court that the General Manager of the respondent no.1/Bank has got no power to reinstate the writ petitioner with effect from 03.8.2011 and, on the contrary, pursuant to the order of the Appellate Authority, the present writ petitioner ought to have reinstated with effect from the date of dismissal i.e. 8th February, 2007 and his annual increment month should not have been shifted. It is further argued by Mr. Sanyal that since the order of the Appellate Authority has reached its finality, the respondent no.1/Bank and its officials

are duty bound to implement the order of the Appellate Authority dated 03.8.2011 in its letter and spirit without shifting the month of his annual increment which caused serious financial loss to the writ petitioner.

5. In course of his submission, Mr. Ghosal, learned advocate for the respondent no.1/Bank, submits before this court that in the writ petition, there is no material to substantiate that before approaching this court, the writ petitioner has approached the respondents for redressing his grievance.
6. Considering the entire materials as placed before this court and after hearing the learned advocates for the contending parties, this court directs the respondent no.2 being the General Manager (P&A), Bangiya Gramin Bikash Bank, to consider the instant writ petition to be a representation of the writ petitioner before him. The respondent no.2 is further directed to give an opportunity of hearing either to the writ petitioner or to his learned advocate or to both and thereafter shall pass a reasoned order in writing. The respondent no.2 is hereby directed to conclude the entire proceeding within a period of two months from the date of communication of this order along with a copy of the instant writ petition.

7. The respondent no.2 is further directed to communicate his reasoned order to the writ petitioner within two weeks from the date of passing of such order.
8. With the aforementioned observation, the instant writ petition is disposed of.
9. All the parties are directed to act on the server copy of this order.
10. Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Partha Sarathi Sen, J.)