

08.08.2023
Item No.17
RP
Ct. No.7

WPA 1152 of 2014

Arup Kumar Gupta

Vs.

The State Bank of India & Ors.

Mr. Syed Sahid Imam

Md. Salahuddin

... for Petitioner

Mr. S. Pal Choudhury

Mr. Diya Nandi

... for respondent/bank

1. The petitioner has challenged the order of suspension dated March 29, 2004. The learned advocate representing the petitioner submits that the petitioner applied under the voluntary retirement scheme praying for permission to retire from the bank's service with effect from February 29, 2004. He further submits that since the petitioner has submitted his application under the voluntary retirement scheme on 1st February, 2004, the respondent/bank could not have suspended the petitioner and/or proceeded any further thereafter. According to the learned advocate for the petitioner the action of the bank in suspending the writ petitioner cannot be sustained.
2. Learned advocate representing the respondent/bank submits that the prayer of the petitioner seeking permission to retire from bank's service under the voluntary retirement scheme has

not been allowed by the bank at any point of time. He further submits that a suspension letter was issued on 12.12.2005 and thereafter-disciplinary proceeding was initiated. Learned advocate for the bank refers to the document annexed to the affidavit-in-opposition wherefrom it appears that by an order dated 30th March, 2006 the petitioner was dismissed from service. However, the order of dismissal from service dated 30th March, 2006 has not been challenged by the petitioner in this petition.

3. In view of the aforesaid, no relief can be granted to the petitioner in this petition. The writ petition, accordingly, fails and the same stands dismissed. There shall be, however, no order as to costs.

(HIRANMAY BHATTACHARYYA, J.)