01.05.2023
Item No.11
gd/ssd

WPA(P)/191/2023
SUDHIR KUMAR GHOSH
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim,
Mr. Kiran Sk.
..for the Petitioner.

Mr. Jahar Lal De,
Mr. Rudranil De
..for the State.

Mr. Ajit Kumar Mishra,
Mr. Abhishek Dey,
Mr. Bhishm Pratap Singh
..for the Respondent No.3.

Mr. Amarendra Chakraborty
..for the Respondent Nos.6 and 7.

1. By this public interest litigation the petitioner seeks for a direction upon the authorities to take action against the illegalities committed by the 7th respondent i.e. Cooperative Bank which is registered under the provisions of the Act on the file of the 8th respondent i.e. the Registrar of Cooperative Societies, West Bengal. According to the petitioner, though a committee which was constituted by the Cooperative Bank to examine as to whether any illegalities have been committed and the committee having found that various illegalities have been committed has recommended disciplinary action to be initiated against Sri Arjun Agarwala and Sri Sourav Bhattacharya and

the committee directed the matter to be referred to the Registrar of Cooperative Societies since in addition to the bank officials the signatures of Block CI was also there who is not under the control of the BOD of the bank. Further direction was given to undertake a thorough joint inspection into the irregularities of Piasbari SKUS. The petitioner would state that nothing has happened thereafter.

2. The learned advocate appearing for the 7th respondent i.e. Cooperative Bank submitted that already action has been taken and bank authorities have been directed to initiate disciplinary action against the employees, namely, Sri Arjun Agarwala and Sri Sourav Bhattacharya. Further, the learned advocate has placed a copy of memo dated 22nd January, 2021 wherein it is stated that as per the complaint received by the ex-Manager, an employee of the society relating to forged signatures of the credit limit, the BOD has decided in the meeting dated 21st January, 2021 to cancel the said credit limit from the date of its coming into effect. Further, it is stated that the society will be solely liable for the financial delinquency if any in the intervening period and will be dealt with appropriately. The learned advocate for the 7th respondent i.e. Cooperative Bank would submit that there is no financial loss to the society. The correctness of the stand taken by the 7th respondent/society has to be

decided by the Registrar of Cooperative Societies, namely, the 8th respondent.

3. Therefore, we direct the 7th respondent to submit a comprehensive report of all the enquiries and action taken by them in respect of the alleged irregularities and on receipt of the report, the 8th respondent shall examine the report for its correctness, call for additional information, if required, and direct if any enquiry is to be conducted and thereafter take a decision on merits and in accordance with law. Copy of such decision be communicated to the writ petitioners.

4. The above direction be complied with within a period of three months from the date of receipt of the report from the 7th respondent i.e. Cooperative Bank who shall submit the said report within a period of four weeks from the date of receipt of the server copy of this order.

5. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)