

25.09.2023
Item No.6
gd/ssd

WPA/12087/2022
SUBIR BARAN PATRA
VS
STATE OF WEST BENGAL & ORS.

Mr. Pabitra Charan Bhattacharyya,
Ld. Senior Advocate
..for the Petitioner.

Mr. D.K. Sengupta,
Ms. Sweta Saha
..for the Respondent Bank.

The petitioner retired from service as Field Supervisor of the Bankura District Central Cooperative Bank Limited (for short “the bank”) with effect from January 31, 2022.

The petitioner alleges that till date the bank has not released the amount due to the petitioner on account of leave salary for 300 days and the gratuity.

Mr. Bhattacharyya, learned senior advocate representing the petitioner submits that no disciplinary proceeding was initiated against the petitioner and, therefore, the authorities of the bank cannot withhold the retirement dues on account of leave encashment and gratuity of the petitioner.

Mr. Sengupta, learned advocate representing the bank draws the attention of the court to the letter dated February 21, 2022 whereby the petitioner requested the Chief Executive Officer of the Bank to

release the retirement benefits after deducting the shortfall in the security money in respect of a few loan accounts under PMEGP loans which were allegedly disbursed during the service tenure of the petitioner. Mr. Sengupta submits that pursuant to such request, the balance amount after deducting the shortfall in security money in the aforesaid loans has already been paid to the petitioner through his bank account.

Heard the learned advocates for the parties and perused the materials placed.

It is not in dispute that the authorities of the bank was obliged to release the retirement benefits to the petitioner immediately after his retirement unless order(s) withholding the same has been passed in duly constituted proceeding(s).

On a query of this court, Mr. Sengupta, in his usual fairness, submits that no disciplinary proceeding was initiated by the authorities of the bank prior to the retirement of the petitioner from service. No proceedings also for forfeiture of gratuity has also been initiated by the authorities of the bank.

This court is, therefore, of the considered view that without initiating any disciplinary proceeding as well as for forfeiture of gratuity, the authorities of the

bank cannot withhold the retirement benefits on account of leave encashment and gratuity.

The letter dated 21.02.2022 was admittedly issued by the petitioner after his retirement from service. Therefore, issuance of such letter cannot be a ground for not initiating a disciplinary proceedings during the service tenure of the petitioner if at all the authorities were of the view that such a proceeding ought to have initiated.

For such reason, this court is of the considered view that the authorities should be directed to release the aforesaid accounts on account of leave encashment and gratuity.

This court, therefore, directs the Chief Executive Officer, Bankura District Central Cooperative Bank Limited being the 3rd respondent to release the balance amount on account of leave encashment and gratuity amount as expeditiously as possible but positively on or before October 17, 2023.

With the above observations, the writ petition stands disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)

