

03-05
04.10.2023
Ct. No. 15
BD.

W.P.A. 18286 of 2009

**Md. Nurul Basar
Vs.
The Birbhum District Central
Co-operative Bank Limited & Ors.**

With
W.P.A. 10573 of 2008
**Md. Nurul Basar
Vs.
The Birbhum District Central
Co-operative Bank Limited & Ors.**

With
W.P.A. 18698 of 2008
**Md. Nurul Basar
Vs.
The Birbhum District Central
Co-operative Bank Limited & Ors.**

IA NO. CAN 1/2009 (Old NO. CAN 9948/2009)
IA NO. CAN 2/2010 (Old NO. CAN 1172/2010)
IA NO. CAN 3/2010 (Old NO. CAN 5166/2010)

Mr. Kishore Mukherjee ...for the petitioner

Mr. Saikat Chatterjee ...for the respondent nos. 1 & 2.

Mr. Ankit Sureka ...for the respondent no. 4

Three writ petitions are taken up for consideration in presence of the learned advocates representing the petitioner, Birbhum District Central Co-operative Bank Limited and respondent no. 4.

Mr. Mukherjee, learned advocate representing the petitioner submits that out of three writ petitions writ petition being WPA 10573 of 2008 relates to suspension order dated 4th April, 2008. It has further been submitted on behalf of the petitioner that in view of superannuation of the petitioner during pendency of the said writ petition, the same has become infructuous.

Accordingly, the writ petition being WPA 10573 of 2008 is dismissed as infructuous.

However, two other writ petitions relate to initiation of disciplinary proceeding against the petitioner. It has been submitted that there was an interim order passed by a coordinate Bench on the writ petition being WPA 18698 of 2008 on 11th September, 2008 and the same was time to time extended. Ultimately, another coordinate Bench vide order dated 17th February, 2010 has recorded that the said interim order expired on 11th February, 2010 therefore the same was not extended subsequently. In view of expiry of the interim order which was initially passed on 11th September, 2008 this Court has posed a query to the learned advocate representing the Bank authority whether the final order on conclusion of disciplinary proceeding initiated against the petitioner has been communicated to the petitioner or not.

Mr. Chatterjee, learned advocate, representing the Bank has prayed for accommodation to obtain instructions in order to apprise this Court whether the final order has been passed on conclusion of disciplinary proceeding against the petitioner or not and if the same is passed whether the said order has been communicated to the petitioner or not.

In order to enable the learned advocate representing the Bank to obtain instructions hearing of

these two writ petitions one being WPA 18286 of 2009 and another being WPA 18698 of 2008 stand adjourned till Wednesday next, 11th October, 2023.

(Saugata Bhattacharyya, J.)