

Item No.308

17.11.2023
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16409 of 2023
Sri Chayan Ray
v.
The West Bengal State Co-operative Bank Limited &
Ors.

Mr. Partha Banerjee
... for the petitioner.

Mr. Kishore Dutta, Ld. Sr. Adv.
Mr. Jaydip Basu
... for the respondent Bank.

Mr. Srijan Nayak
Mr. Ankit Sureka
Mr. Biplob Das
... for the respondent no. 4.

The petitioner was an employee of the West Bengal Cooperative Bank Limited. A disciplinary proceeding was initiated against him and he was dismissed by the Managing Director of the Bank by an order dated December 30, 2022. The time period within which an appeal could have been preferred against the order passed by the Managing Director is thirty days. An appeal was preferred by the petitioner on March 17, 2023 i.e. long after the statutory period of limitation.

The appellate authority neither considered the appeal nor intimated or communicated the petitioner the fate of the appeal. Challenging the non-action and/or inaction on the part of the appellate authority to communicate the fate of the appeal, the present writ petition has been filed.

The respondents raise an issue with regard to the maintainability of the writ petition.

It has been submitted that the Bank being an autonomous body it does not fall under the definition “State” and, accordingly, the writ petition will not be maintainable. According to the petitioner, the writ will be maintainable. Decisions have been relied upon by both the parties in support of their respective stands.

On a perusal of the documents placed before this Court and upon hearing the submissions made on behalf of both the parties it appears that the appeal in question was filed at a belated stage. The learned advocates representing both the parties submit that the provisions of the Limitation Act shall not apply in the instant case.

The learned advocate for the petitioner has failed to produce any provision of law permitting extension of time for consideration of the appeal. No provision has either been showed to the Court relying upon which the delay in filing the appeal may be condoned.

In view of the above, the prayer of the petitioner seeking for a direction upon the appellate authority to communicate the fate of the appeal cannot be entertained. The appeal could not have been said to be born at all.

The writ petition, accordingly, fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)