

16.05.2023
Ct. No.7
S/L No.18
KS

W.P.A.17148 of 2022
Shri Bishwajyoti Roy
-Vs.-
Bangiya Gramin Bikash Bank & Ors.

Mr. Arijit Majumdar
.....For the Petitioner
Mr. Baidurya Ghosal
.....For the Respondent No.1

1. Affidavit in opposition and Affidavit in Reply filed in Court, be kept with the record.
2. The petitioner has prayed for issuance of a writ in the nature of mandamus commanding the respondents to allow the prayer for voluntary retirement from service upon setting aside the order dated July 14, 2022 issued by the General Manager (HR), Bangiya Gramin Vikash Bank (in short, "the bank") by which the claim of the petitioner for voluntary retirement was rejected.
3. The petitioner claims that he is unable to perform his duties on account of his infirmity both physical and mental for which he has become permanently incapacitated to perform his duties.
4. The grievance of the petitioner is that the respondent authority, without considering the medical reports and the

documents submitted by him, mechanically rejected the prayer for voluntary retirement.

5. Mr. Ghosal, learned advocate appearing for the bank submits that for the purpose of examining the medical condition of the petitioner, a Medical Board was constituted and the petitioner was directed to appear before the Medical Board for his medical examination. He further submits that though the petitioner initially appeared before the Medical Board, but did not comply with the directions of the Medical Board. For such reason, the Medical Board could not give its final opinion. Mr. Ghosal learned advocate further submits that since the pre-conditions for voluntary retirement has not been satisfied by the petitioner, the prayer for voluntary retirement was rejected by the concerned authority.
6. Heard the learned advocates for the parties and perused the materials placed.
7. Record reveals that the Medical Superintendent cum Vide Principal, Murshidabad Medical College and Hospital, Berhampur, Murshidabad directed the petitioner to appear before the Specialists of the Medical Board on 17th June, 2022.
8. It further appears from the records that the petitioner was examined by the Specialists of the Medical Board and the

Board made some recommendations as indicated in the report of the Medical Board dated 22nd June, 2022.

9. It is not in dispute that the petitioner did not attend before the Medical Board thereafter. The petitioner also did not comply with the recommendations made by the Medical Board.
10. Upon a query of this Court, the learned advocate appearing for the petitioner submits that the petitioner is ready and willing to comply with the recommendations made by the Medical Board, if some time is granted by this Court.
11. Mr. Ghosal, learned advocate representing the bank, however does not oppose the prayer made by learned advocate appearing for the petitioner for grant of time to the petitioner to comply with the recommendations made by the Medical Board.
12. Considering the submissions of the learned advocates for the respective parties, the instant writ petition is disposed of by passing the following directions:-
13. In the event, the petitioner complies with the recommendations made by the Medical Board dated 22nd June, 2022 within a period of four weeks from date and approaches the General Manager (HR), Bangiya Gramin Vikash Bank, being the 3rd respondent herein stating about such compliance being made, the 3rd respondent/ General

Manager (HR), Bangiya Gramin Vikash Bank shall fix a date for further medical examination of the petitioner upon consultation with the Medical Board and intimate such date to the petitioner and shall also request the Medical Board to give its final opinion within a reasonable time. After the Medical Board gives its final opinion, the 3rd respondent/General Manager (HR), Bangiya Gramin Vikash Bank shall revisit the order dated 14th July, 2022 by passing a reasoned order after taking into consideration relevant documents, medical reports, opinion of the Medical Board as expeditiously as possible but preferably within a period of four weeks from the receipt of the final opinion of the Medical Board and communicate the reasoned order to the petitioner immediately thereafter.

14. With this above observation and direction, the writ petition stands disposed of.
15. There shall be no order as to costs.
16. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)