

21-12-2023
ct no. 13
Sl. 15
sp

WPA 28435 of 2023

Bamapada Malakar

-Versus-

Union of India & Ors.

**Mr. Shyamal Kr. Pandey,
Mr. Somnath Gangopadhyay
..for the petitioner**

**Ms. Sabita Roy
...for the Union of India**

**Mr. Ranjay De,
Mr. Basabjit Banerjee,
Mr. Adityajit Abel Bose
...for the respondent nos. 2 to 5**

1. The petitioner was a senior clerk in the Union Bank of India, Raniganj branch. He is covered under the 'Shastri' award. He is a workman.
2. The petitioner challenges the departmental proceedings instituted against him vide charge sheet dated April 9, 2023.
3. At the time when the writ petition was filed, the proceedings had been completed substantially and the second show cause notice had been issued. The writ petitioner/ respondent of the second show cause notice has filed the instant writ petition.

4. Mr. Ranjay De, learned counsel for the respondent bank produces the final order passed in the disciplinary proceedings dated December 19, 2023 whereby the petitioner has been removed from service with all superannuation benefits. Such removal does not debar the petitioner from participating in future recruitment in the said post in the said bank or any other public sector organization.
5. This Court, however, notes the objection raised by Mr. Dey, that the writ petition is not maintainable since the petitioner is a workman within the meaning of Section 2(K) of the Industrial Disputes Act, 1947. The petitioner has effective alternative remedy for approaching the appropriate Government to raise any industrial dispute under the 1947 Act.
6. In that view of the matter keeping all questions open, the petitioner may approach the authorities under the 1947 Act with appropriate application and take steps in accordance with law.
7. It is made clear that this Court has not entered into the merits of the grievances of the petitioner in the writ petition.

8. The Tribunal may proceed in accordance with law if any such dispute is raised by the petitioner.
9. Since the respondents have not been called upon to file any affidavit-in-opposition, the allegations made in the writ petition shall not be deemed to have been admitted.
10. With the aforesaid observations, the instant writ petition shall stand disposed of.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities

(Rajasekhar Mantha, J.)