

03.10.2023
Court No.1
Item No.56
Pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 80 of 2023
With
CAN 1 of 2023**

**Sri Sujan Roy
Vs.
Uttarbanga Kshetriya Gramin Bank and others**

Mr. K. M. Hossain

... For the Appellant.

Mr. Chitra Bhanu Gupta,
Ms. Supriya Singh

... For the Respondents.

1. The appeal is directed against judgement and order dated 10.02.2023 passed by the learned Single Bench whereby and under the final order of punishment of removal from service of the petitioner was not interfered with but the matter was remanded to the Appellate Authority for consideration afresh as to whether the unauthorized absence of the petitioner could be adjusted against any leave.

2. Counsel for the Bank submits that pursuant to the direction of the court below the newly constituted Appellate Authority being the Board has confirmed the penalty imposed by the disciplinary authority of removal of service. The prayer for gratuity has been rejected.

3. The court below did not find any infirmity whatsoever with the disciplinary proceedings against the petitioner. There was no violation of the natural justice found by the Court. The punishment order of removal from service was found neither disproportion to the charges proved against the petitioner. There is no perversity found in the impugned order.

4. In the aforesaid circumstances, this Court is of the view that it is the bank that ought to have been agreed by remand of the matter back to the Appellate Authority for consideration afresh.

5. The bank has accepted the order and the newly constituted Appellate Authority being the Board of the Bank has confirmed the order of removal from the service. The prayer for gratuity has been declined. The aforesaid is undisputed.

6. In the facts and circumstances of the case, this Court is of the view that the disciplinary proceedings conducted by the Uttarbanga Kshetriya Gramin Bank against the appellant/writ petitioner cannot be faulted.

7. The appellant is guilty of the misconduct proved against him i.e. of unauthorized absence and default in repayment of loans. The settlement reached to recover a defaulted loan cannot wipe out the misconduct of default.

8. The instant appeal is dismissed. Interim order, if any, shall stand vacated.

9. In view of dismissal of the appeal itself, connected application, if any, is also dismissed.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)