

15.04.2024
SI No.3
Court No.8
(gc)

**MAT 181 of 2024
CAN 2 of 2024**

**Nachiketa Sengupta
Vs.
Bangiya Gramin Vikash Bank & Ors.**

Mr. Debabrata Saha Roy,
Mr. Indranath Mitra,
Mr. Neil Basu,
Mr. Sankha Biswas
.....for the Appellant.
Mr. Baidurya Ghosal,
Ms. Aatreyee Dutta,
Mr. Saikat Mukherjee
...for the Respondents/Bank.

1. In view of the decision of this Court in MAT 2272 of 2023 with CAN 1 of 2023 dated 6th March, 2024, a fresh disciplinary proceeding may commence from the stage of satisfaction being recorded by the disciplinary authority to proceed against the writ petitioner.
2. The Chairman shall consider the representation dated 11th July, 2013 and should he decide to proceed with the disciplinary proceeding on consideration of the said representation, an enquiry officer should be immediately appointed and duly communicated to the writ petitioner. Although the writ petitioner had retired

from service but by reason of Regulation 45 of 2010 Regulation and the nature of charges levelled against him the disciplinary proceeding can continue provided the competent authority is not satisfied with the explanation offered by the writ petitioner.

3. In the event any disciplinary proceeding is initiated, the same should be completed within a period of four months from the date of appointment of the enquiry officer. The Chairman shall within a period of two weeks from date decide whether the disciplinary proceeding is required to be initiated against the writ petitioner only after consideration of the representation dated 11th July, 2013.
4. Needless to mention that the disciplinary proceeding shall proceed in terms of Regulation 2010.
5. The petitioner shall scrupulously adhere to the schedule and the directions that may be passed by the enquiry officer in the disciplinary proceeding if initiated and shall render all cooperation to the enquiry officer to conclude the proceeding within the stipulated time.

6. Irrespective of the result of the disciplinary proceeding, the appellant bank shall release all admissible dues to the writ petitioner in the matter within a period of four weeks from date upon compliance of all statutory formalities.
7. We make it clear that we have not gone into the merits of the matter.
8. With the aforesaid directions and observations, the appeal and the application are, accordingly, disposed of.
9. The order under challenge is set aside.
10. However, there shall be no order as to costs.
11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Uday Kumar, J.)