

24.06.2024  
Ct. 23  
D/L 9  
ab

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**WPA 10696 of 2024**

**Suvankar Gain**

**-Vs-**

**United Bank of India presently, Punjab National  
Bank & Ors.**

Mr. Goutam Dey,  
Ms. Dipanwita Ganguly

.... for the petitioner

Ms. Parna Roy Choudhury

... for the Punjab National Bank

It is unfortunate to note that the petitioner was granted liberty to withdraw his previous writ petition being WPA 10256 of 2020 (Sri Suvankar Gain Versus United Bank of India & Ors.) by an order dated 31<sup>st</sup> August, 2020 with liberty to challenge the order passed by the Appellate Authority in accordance with law, if so advised. The background of passing such order was that the petitioner had preferred a statutory appeal against the order of the disciplinary authority dated 15<sup>th</sup> January, 2020. The previous writ petition was filed assailing the order of the disciplinary authority. The Appellate Authority by an order dated 30<sup>th</sup> March, 2020 had disposed of the appeal filed by the petitioner challenging the order of the Disciplinary Authority. In

the previous writ petition the order of the Appellate Authority was, therefor, not under challenge but had come into existence on 31<sup>st</sup> August, 2020.

This writ petition has been filed on 15<sup>th</sup> April, 2024 yet again challenging the order of the disciplinary authority without challenging the order of the Appellate Authority. On a perusal of the writ petition, it is found that there is no reference to the appeal preferred by the petitioner or the order of the Appellate Authority.

In the aforesaid facts and circumstances of this case, there is suppression of material fact as in the previous round of litigation the Court after considering the appellate order had granted liberty to the petitioner to challenge the order passed by the Appellate Authority.

The petitioner seeks to withdraw the writ petition with liberty to file a fresh. The question of allowing the writ petitioner to file a fresh in the present facts of this case does not arise as the petitioner has not challenged the order of the Appellate Authority.

The writ petition is accordingly dismissed as withdrawn.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Arindam Mukherjee, J.)**