

20.09.2024
Sl No.35
Court No.29
(gc)

**RVW 237 of 2024
CAN 1 of 2024
CAN 2 of 2024
In
MAT 181 of 2024**

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

Mr. Sarosij Dasgupta,
Mr. Soumyajit Mishra
...for the Applicant.
Mr. Baidurya Ghosal,
Mr. Saikat Mukherjee
....for the Respondents.

Re: CAN 1 of 2024

1. There is a delay of 85 days in filing the review application.
2. Sufficient cause being shown for not being able to file the review application within the period of limitation.
3. The delay of 85 days in filing the review application is hereby condoned.
4. Accordingly, CAN 1 of 2024 is allowed and disposed of.

**Re: RVW 237 of 2024
CAN 2 of 2024**

5. This is an application for review of an order dated 15th April, 2024. It appears that a Special Leave Petition, being SLP No.15710/2024, was preferred against the said order. The Special Leave Petition was disposed of on 26th July, 2024 with the following observation:-

“Mr. Manoj Goel, learned Senior Counsel on instruction submits that the petitioner would move

the Calcutta High Court in its review jurisdiction and therefore the petitioner would not press this matter.

Noting the above submission of the counsel for the petitioner, the Special Leave Petition stands dismissed as not pressed, reserving the liberty as aforesaid.”

6. Thereafter, this application is filed. It is argued on behalf of the applicant that the Chairman was the authority at the relevant point of time to issue charge-sheet and the Board of Directors should have been the Appellate Authority. On 15th April, 2024, after hearing the learned Counsel for the parties, we directed the Chairman to consider the representation dated 11th July, 2013 and depending upon the decision of the Chairman, consequential steps may be taken.

7. The learned Counsel for the applicant submits that the Chairman at the relevant point of time was the authority to issue the charge-sheet and, accordingly, the charge-sheet issued by the General Manager is *de hors* the rule. The learned Counsel for the applicant has also drawn our attention to the first paragraph of the order.

8. In the event the Chairman has taken a decision contrary to the rules, it would be always open for the petitioner to take appropriate steps in accordance with law. We have not conclusively held in the judgment that the Chairman is the authority to issue the charge-sheet and the Board of Directors being the Appellate Authority would consider the quantum of

punishment. We leave it to the discretion of the Chairman to decide the representation.

9. The decision of the Chairman has been duly communicated to the applicant. However, such communication is not disclosed. The apprehension, that any such decision would be set at rest in view of the order dated 15th April, 2024, is misplaced.
10. With the aforesaid observation, the review application along with the connected application stand disposed of.
11. However, there shall be no order as to costs.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Uday Kumar, J.)