

05.12.2024

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

WPA 22779 of 2024

Arijit Biswas

-Vs-

Paschim Banga Gramin Bank & Ors.

Mr. Indranath Mitra,
Mr. Siddhartha Raj

... for the petitioner

Mr. Baidurya Ghosal,
Ms. Anupama Biswas,
Mr. Saikat Mukherjee

... for the respondent nos. 1 to 6

The petitioner while serving Paschim Banga Gramin Bank (in short, 'PBGB') was placed under suspension with effect from 20th December, 2023. The suspension order dated 20th December, 2023 is annexed at page 29 of the writ petition being "Annexure P-6" thereof, which came into effect immediately. Subsequently, the petitioner was served with a charge sheet and a disciplinary proceeding was initiated against the petitioner, which is still pending.

The petitioner says that a revision of pay and allowances of the Regional Rural Banks (RRBs) Employees under the 2nd Proviso of Section 17(1) of the Regional Rural Banks Act, 1976 (in short, 'the 1976 Act') was undertaken. By an order dated 30th July,

2024 (being Annexure P-8 to the writ petition) under which the salary, allowances and arrears of serving officers and employees have been revised with effect from 1st November, 2022. The petitioner says that the petitioner, in view of such revision of pay and allowances, is entitled to additional amount over and above the amount he had received as salary and emoluments between 1st November, 2022 and 19th December, 2023, i.e. the date immediately prior to his suspension. The petitioner also says that PBGB has revised the pay and allowances of the petitioner and on that basis, has computed the subsistence allowance which is being paid to the petitioner on regular basis since he is still under suspension and the departmental proceeding is pending. The petitioner says that under the said letter dated 30th July, 2024 (Annexure P-8), the petitioner is entitled to the arrears of his pay and allowances being revised for the period between 1st November, 2022 and 19th December, 2023. The petitioner also says that since he is placed under suspension and his service has not been terminated, the petitioner has to be construed to be a serving officer and/or employee of PBGB and as such, should be paid the arrears.

After hearing the parties and considering the materials on record, I do not find any embargo in paying the revised pay and allowances to the petitioner

for the period between 1st November, 2022 and 19th December, 2023 under the 1976 Act or under the Paschim Banga Gramin Bank (Officer and Employee) Service Regulation, 2010 on the ground that the petitioner is under suspension and the departmental proceeding is still pending.

In the aforesaid facts and circumstances, I direct PBGB, being the respondent no. 1 and the officers of the said bank being the respondent nos. 2 to 6 and each one of them pay the petitioner the arrears on account of revision of his pay and allowances during the period between 1st November, 2022 and 19th December, 2023 within a period of six weeks from the date of serving of a copy of this order. So far as the interest on the arrears amount is concerned, the same will be decided at the time of final order to be passed in the disciplinary proceedings. So far as the other two prayers are concerned which are, inter alia, setting aside and/or quashing the order by which the bank declined to release the arrears on account of revision of pay and allowances automatically gets set aside and/or quashed.

Nothing further remains to be decided in this writ petition. The writ petition is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)