

03.07.2024
Ct. No. 09
Item No.237
Cp

WPA No. 22478 of 2022

Rustam Ali
Vs.
Bangiya Gramin Bikash Bank, Balihara Branch & Ors.

Mr. Partha Pratim Roy
Mr. S. K. Bhattacharyya
..... for the petitioner.

Mr. Baidurya Ghosal
Ms. Aatreyee Dutta
Mr. Saikat Mukherjee
.....for the respondent nos. 1 to 3.

The petitioner seeks return of some fixed deposit certificates which were deposited with Bangiya Gramin Bikash Bank, Balihara Branch, as a security for being able to function as a collection agent under the MDSS. The petitioner was required to collect EMIs from those persons who had obtained loan from the bank. It appears that there was discrepancy in the money collected by the petitioner and the petitioner was suspended. The petitioner is aggrieved because the fixed deposit certificates which were deposited as security before the bank, have not been returned.

Learned advocate for the bank authorities submits that a departmental enquiry is going on with regard to certain acts of defalcation of funds. The matter is pending before the Vigilance Department, Punjab National Bank. A disciplinary process for

fixing the liability and accountability of the staff is also going on. Explanations have been called for from some of the retired officials. It appears that the MDSS operations in the branch had also been kept in abeyance. The engagement of MDSS agent, Md. Rustam Ali, (petitioner) was discontinued for the alleged irregularities. The process of issuing charge-sheets to the erring officials and appointment of enquiry officer/presenting officer were under progress.

It would not be proper for this court to pass a mandatory direction upon the bank to return the fixed deposit certificates as this court is not in a position to either scan the evidence against the petitioner or decide whether the petitioner was involved in the scam or not.

Under such circumstances, the writ petition is disposed of directing the Branch Manager, Bangiya Gramin Bikash Bank, Balihara Branch to dispose of the representation of the petitioner, in accordance with law, within two months from date and communicate a reasoned decision to the petitioner.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)