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05.11.2024  
S.D.  
Ct. No. 26

**R.V.W 300 of 2024  
With  
CAN 1 of 2024  
In  
M.A.T. 949 of 2024**

**UCO Bank  
Vs.  
Chandra Sekhar Pal & Ors.**

Mr. Victor Chatterjee  
Mr. Sourjya Roy  
...For the review applicant  
Mr. Sujit Lal Sircar  
..For the Respondent

Affidavit of service filed in Court be kept with the  
record.

Employers seek review of the judgment and order  
dated July 29, 2024 passed in M.A.T. 949 of 2024.

Learned advocate appearing for the review  
applicant submits that, the Board of Directors of the  
employer took the decision with regard to the imposition  
of the penalty in disciplinary proceeding. Consequently,  
when the appeal was disposed of by directing the  
appellate authority of the employer to consider the appeal  
of the employer, the fact that Board of Directors decided  
on the quantum of penalty was overlooked.

Faced with such situation, we put up query to the learned advocate appearing for the review applicant as to whether the composition of the Board of Directors of the employer changed subsequent to which earlier decision dated December 9, 2020 or not.

Learned advocate appearing for the review applicant submits after taking instructions that the present composition of the Board of Directors of the employer is not the same as that of December 9, 2020.

On a query of the Court, learned advocate appearing for the private respondent submits that his client does not object to the appellate authority considering his appeal in terms of the judgment and order dated July 29, 2024 passed in M.A.T. 949 of 2024.

By our judgment and order dated July 29, 2024, we directed the appellate authority to hear and decide the appeal of the private respondent herein dated March 31, 2021 directed against the order dated February 11, 2021 as expeditiously as possible.

Since the composition of the Board of Directors changed subsequent to the decision dated December 9, 2020 and the order dated February 11, 2021, it would be appropriate to clarify our judgment and order dated July

29, 2024. The present appellate authority will decide the appeal in terms of the judgment and order dated July 29, 2024 passed in M.A.T. 949 of 2024.

Time to comply with the order is extended for a period of six weeks from date.

The present Board of Directors will, therefore, constitute an appropriate appellate authority to implement our judgment and order dated July 29, 2024.

Appellate authority will not be bound by the earlier decision of the Board of Directors. Appellate authority will decide the appeal on merits without being influenced by the earlier decision of the Board.

Accordingly, **R.V.W. 300 of 2024** and the connected application are disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**