

A-19
Ct No.09
08.01.2024
TN

WPA No. 26580 of 2023

Khukumani Pattanayak
Vs.
The Reserve Bank of India and others

Mr. Subir Sabud,
Mr. Sourajit Dasgupta
.... for the petitioner

Mr. Abhishek Banerjee,
Ms. Sohini Choudhury
.... for the respondent nos.1 to 5

- 1.** Despite service, none appears for the respondent nos.6 and 7 at the time of call. The petitioner as well as the bank are represented through counsel.
- 2.** The petitioner is a sub-agent of the bank and is a service provider for the bank in rural areas, taking the banking activities to common people in the rural locations.
- 3.** It is submitted that the petitioner acts under respondent nos.6 and 7 who are the direct agents of the bank. By the impugned action, the agent code of the petitioner was blocked, apparently pursuant to certain allegations made against the petitioner. Subsequently, after the agent code being blocked on October 07, 2023, a letter was written on October 09, 2023 to the petitioner by

the respondent nos.6 and 7 which is annexed at page-26 (Annexure P/2) of the writ petition. Certain allegations against the petitioner have been made in the said letter. However, it is argued that no opportunity of representation or hearing was given to the petitioner before blocking the agent code.

4. Learned counsel for the bank contends that the bank acted on the communication of its agents, that is, respondent nos. 6 and 7.
5. It transpires that the petitioner was not given any opportunity prior to the petitioner's agent code being blocked. The impugned communication dated October 09, 2023 was issued only subsequent to the blocking of the code. Even thereafter, till date no such hearing or opportunity of representation has been given to the petitioner. Such action, without prior opportunity to the petitioner to be heard, is palpably violative of the principles of *audi alteram partem* and ought to be set aside.
6. Accordingly, WPA No. 26580 of 2023 is allowed, thereby setting aside the impugned action by the respondent nos.6 and 7 and the respondent-bank in blocking the agent code of the petitioner.

- 7.** The agent code of the petitioner shall be made operative again with immediate effect within twenty-four hours by the respondent-bank. However, it is made clear that nothing in this order shall prevent the respondent-bank as well as the respondent nos. 6 and 7 to take further action against the petitioner on the allegation, if any, which the bank and/or the respondent nos. 6 and 7 might have in the functioning of the petitioner in the capacity of a sub-agent of the bank under the respondent nos. 6 and 7.
- 8.** But such action shall mandatorily be preceded by a prior show-cause notice giving sufficient opportunity to the petitioner to be heard/make representations and only after giving such opportunity of hearing, the respondent-bank and/or the respondent nos.6 and 7 shall be at liberty to take further action in accordance with law against the petitioner. If so taken, the outcome of the consideration shall be intimated to the petitioner in writing by way of a reasoned order.
- 9.** There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)