

19.12.2024
Sl. No.155
Ct. No.15
S.A.

WPA 28675 of 2024

Apurba Chatterjee

-vs-

The State of West Bengal & Ors.

Mr. Pabitra Charan Bhattacharjee

Mr. Chandan Kumar Lal

Mr. Sovan Nayak

...for the petitioner

Mr. P. K. Roy

Mr. Partha Sarathi Pal

...for the Registrar of Cooperative Society

Mr. Uday Sankar Chattopadhyay

Ms. Rajashree Tah

Ms. Trisha Rakshit

Ms. Aishwarya Datta

...for respondent nos.6 & 8

The facts presented in this writ petition are undisputed. A disciplinary proceeding has been initiated against the petitioner, following the issuance of a charge-sheet. The appointing authority for the petitioner is the Co-operative Society, namely Bhatpara-Naihati Cooperative Bank, and the Disciplinary Authority is also the same society.

The petitioner questions the appointment of the enquiry officer by the relevant Deputy Registrar of the Co-operative Society.

It appears that a Special Officer was appointed by an order dated August 3, 2021, to assume the functions and duties of the society on behalf of the State.

It has been argued by Mr. Uday Sankar Chattopadhyay, learned advocate for respondents nos.

6 and 8, and Mr. P. K. Roy, learned advocate for the Registrar of Cooperative Societies, that the Special Officer requested the Deputy Registrar for the appointment of an enquiry officer. Upon this request, the Deputy Registrar, Cooperative Society, Cooperation Directorate, appointed the enquiry officer. Therefore, the appointment of the enquiry officer should be considered as an appointment made by the Special Officer.

I am not inclined to accept this argument. The Co-operative Society, which is the disciplinary authority also in the present case, retains exclusive jurisdiction to appoint an enquiry officer. Since the Special Officer is performing the society's functions, it is the Special Officer alone who should act as the disciplinary authority in this matter and appoint the enquiry officer.

I find merit in the argument of the petitioner that the Deputy Registrar of the Cooperative Society, Cooperation Directorate, 24 Parganas (North), lacked the authority to appoint an enquiry officer to conduct the enquiry against the petitioner in relation to the disciplinary proceedings.

In light of the above, the appointment of the enquiry officer, as made by the letter dated September 23, 2024, is hereby set aside.

The Special Officer is granted the liberty to appoint a new enquiry officer and proceed with the disciplinary proceedings.

Accordingly, **WPA 28675 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)