

23.07.2025
Item No.14
gd/ssd

MAT/132/2025

LALMOHAN JANA
VS
CANARA BANK AND ORS
IA NO: CAN/1/2025

Mr. Pratik Majumder,
Mr. Snehasish Dey
..for the Appellant.

Mr. Anjan Kumar Paul
..for Canara Bank.

1. With the consent finally heard.
2. This intra court appeal takes exception to the order dated 20th January, 2025 whereby CAN 1 of 2024 (modification) is decided by learned Single Judge in WPA 17599 of 2024.
3. The admitted facts between the parties are that the petitioner filed WPA 13420 of 2024 against a show cause notice.
4. The learned Single Judge by order dated 5.7.2024 ordered that “the disciplinary proceedings should be brought to a logical conclusion but the final order that may be passed in such disciplinary proceedings should not be published or made known to public at large and be given effect to by the bank without express leave of the court”.

5. Admittedly this interim protection is still intact.

6. During the pendency of WPA 13420 of 2024, the department issued a charge-sheet against the petitioner on 20th May, 2024.

7. The petitioner brought that charge-sheet with a supplementary affidavit.

8. The question cropped up before the learned Single Judge was whether charge-sheet can be called in question by way of a supplementary affidavit.

9. The petitioner then filed WPA 17599 of 2024 assailing charge-sheet and prayed for interim protection.

10. The learned Single Judge passed order dated 18.11.2024 and opined that any disciplinary proceedings that may be conducted on the basis of charge-sheet being subject matter of challenge shall abide by the result of the writ petition.

11. The petitioner filed CAN 1 of 2024 (modification) in the said WPA 17599 of 2024 by contending that since interim protection in WPA 13420 of 2024 is subsisting, the department may be restrained from punishing the petitioner.

12. The learned Single Judge declined modification by holding thus:

“In the previous writ petition being WPA 13420 of 2024, since there is already an order that the disciplinary proceedings in terms of

the charge sheet dated 20th May, 2024 shall continue but the final order will not be published or made known to people at large, there is no question of staying the charge sheet dated 20th May, 2024 containing the Articles of Charge on the basis whereof the disciplinary proceeding is being proceeded with. Moreover as held in ***AIR 2012 SC 2250 (The Secretary, Ministry of Defence & Ors. Vs. Prabhash Chandra Mirdha)*** mere issue of charge sheet does not affect the right of an employee.

This modification application therefore is an abuse of process of law as also of Court. This application was mentioned referring to the Division 4 Bench order dated 19th February, 2024 for being brought into the list on an urgent basis. The order of the Division Bench dated 19th February, 2024 has no application to the facts of the present writ petition or the modification application. The said order was placed before this Court in the previous round of litigation and this Court after considering the same has passed the order as aforesaid. By seeking stay of the charge sheet dated 20th May, 2024, the petitioner is actually seeking stay of the disciplinary proceedings which had been considered in the other writ petition being WPA 13420 of 2024 and not granted.”

13. This order is impugned in the present intra court appeal.

14. The bone of contention of learned counsel for the appellant is that WPA 12190 of 2023, WPA 13420 of 2024 and WPA 17599 of 2024 may be linked together by learned Single Judge for analogous hearing. It is further submitted that in view of interim protection prevailing in WPA 13420 of 2024 pursuant to which the department needs to seek leave of this court before punishing the petitioner, the petitioner may be protected subject to such leave being prayed for and granted by learned Single Judge. It is prayed that there

was no suppression of fact or abuse of process of the court on the part of the appellant and, therefore, imposition of cost may be interfered with.

15. The learned counsel for the bank fairly submitted that in view of order passed in WPA 13420 of 2024, the department needs to seek leave of the court for imposition of punishment. He submits that disciplinary proceedings are over and only leave is to be prayed for.

16. He supported the impugned order so far imposition of cost is concerned.

17. We have heard the parties at length.

18. In the opinion of this Bench and in view of rival stand taken by both sides, it is clear like noon day that there exists an interim order in WPA 13420 of 2024 pursuant to which employer needs to obtain a leave for imposition of punishment from the court.

19. Thus, the present petitioner is already enjoying protection subject to such leave being granted by learned Single Judge.

20. Thus, no further protection is required nor impugned order requires any interference by this court except on the aspect of cost.

21. We make it clear that we are not passing any interim order or making the previous interim order as absolute.

22. We clearly observe that if department intends to punish the petitioner, they may seek leave in WPA 13420 of 2024. Subject to grant of such leave only, the petitioner can be punished.

23. So far the imposition of cost is concerned, we find substance in the findings of learned Single Judge that in view of protection available in WPA 13420 of 2024, there was no occasion for the petitioner to ask for any further interim protection. To this extent, no doubt there exists abuse of process or filing of multiple interim applications for no valid reasons.

24. Thus, imposition of cost does not require any interference.

25. However, we are conscious of the fact that petitioner is a Peon and a low paid employee.

26. Considering the aforesaid, we deem it proper to interfere on the principle of proportionality and, accordingly, deem it proper to reduce the cost assessed at 100 Gms. in place of 500 Gms.

27. With the aforesaid and without expressing any opinion on merits, MAT 132 of 2025 is disposed of.

28. It will be open for the petitioner to file an application seeking clubbing of all the writ petitions and for early hearing of the petitions. If such an application is filed, we have no doubt that learned Single Judge will deal with such application in accordance with law expeditiously.

29. The request for clubbing and hearing of writ petitions will depend on payment of the cost by the petitioner.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)