

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :-

The Hon'ble Justice Saugata Bhattacharyya.

WPA 3114 of 2025

Sneha Dasgupta Biswas.

-Vs-

State Bank of India & Ors.

For the petitioner:

Mr. Baidurya Ghosal (VC),
Mr. Saikat Mukherjee.

For the respondent nos.
1 to 5:

Mr. Subrata Kumar Sinha.

Hearing concluded on: 07.11.2025.

Judgment on: 07.11.2025.

Saugata Bhattacharyya, J. : -

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.

2. In the writ petition, order of the disciplinary authority dated 5th December, 2023 imposing punishment of dismissal upon the petitioner and order of the Appellate Authority dated 5th October, 2024 are questioned. On perusal of the order of the Appellate Authority dated 5th October, 2024, it appears by cryptic order prayer of the petitioner for

condonation of delay in presenting appeal before the Appellate Authority was spurned.

3. It is submitted by the learned advocate representing the petitioner that order of the disciplinary authority dated 5th December, 2023 was first questioned by preferring appeal on 20th June, 2024. It was found that no steps were taken for disposal of the appeal which prompted the petitioner to prefer offline appeal on 20th August, 2024 and same was dismissed on the ground of delay in preferring appeal vide impugned order dated 5th October, 2024. It is contended that there were several reasons for causing delay in preferring appeal but most striking was petitioner was pregnant at the material point of time and had undergone caesarean-section on 27th March, 2023 and gave birth to a girl child. It is also stated in the application for condonation of delay dated 30th September, 2024 which is at page 181 of the writ petition that petitioner had post-operative complications. Subsequently, petitioner preferred appeal first in online mode on 20th June, 2024, thereafter in offline mode on 20th August, 2024. Petitioner prays for condonation of delay in preferring appeal and hearing of the said appeal on merit.

4. Learned advocate representing the State Bank of India being the answering respondents has opposed this writ petition on the strength of the order passed by the Appellate Authority dated 5th October, 2024. It is submitted that though there is a provision under Rule 69(5) of the State Bank of India Officers' Service Rules, 1992 (hereinafter referred to as "Rules of 1992") to condone delay in preferring appeal in an appropriate

case but in the present case, Appellate Authority found it fit to refuse the prayer of the petitioner to condone delay in preferring appeal. It is also submitted as grounds are delineated in the appeal preferred by the petitioner which were found to be inadequate by the Appellate Authority, there is no necessity to discuss on suitability of these grounds while refusing prayer of the petitioner to condone delay in preferring appeal.

5. Having considered the respective submissions made on behalf of the parties and the impugned order by the Appellate Authority dated 5th October, 2024, at first blush, it transpires that order of the Appellate Authority refusing to condone delay in entertaining appeal is bereft of reasons. Simply referring to the grounds/reasons delineated in the appeal preferred by the petitioner, Appellate Authority refused to condone delay. Since Appellate Authority under Rule 69 of the said Rules of 1992 is functioning as quasi-judicial authority is required to assign cogent reasons in support of conclusion arrived at while refusing to condone delay.

6. In this regard, reliance is placed on the judgment of a Co-ordinate Bench reported in **(2007) 3 WBLR (Cal) 750 (Uniworth Resorts Limited and Sri Ajay Prakash Lohia v. Sri Ashok Mittal & Ors.)**. It is discussed in paragraph 12 of **Uniworth Resorts Limited** (supra), order passed needs to satisfy twin tests “why” and “what”. Borrowing inspiration from paragraph 12 of **Uniworth Resorts Limited** (supra), it can be concluded that even quasi-judicial authority while passing order needs to assign reasons which will form bridge in between the facts of the

case and the conclusion arrived at. Such exercise is found to be absent in the present case.

7. It needs to be recorded herein that order passed by the disciplinary authority on 5th December, 2023 was appealed against on 20th June, 2024 in online mode and in off line mode it was filed on 20th August, 2024. As a result whereof, there was delay of 211 days. At the same time, it is required to be taken into consideration that petitioner had caesarean-section on 27th March, 2023 and there was post-operative complications as narrated in the application seeking condonation of delay.

8. Rule 69(5) of the said Rules of 1992 empowers the Appellate Authority to condone delay in an appropriate case. Unfortunately, at the time of considering the appeal, the delay was not condoned and no reasons were assigned.

9. In view of aforesaid discussion, order of the Appellate Authority dated 5th October, 2024 is set aside.

10. Delay occurred in preferring appeal before the Appellate Authority under Rule 69 of the said Rules of 1992 is condoned. Appellate Authority is directed to decide the appeal preferred by the petitioner on merit by 12 weeks from the date of communication of this order.

11. Decision to be taken by the Appellate Authority shall be communicated to the petitioner by fortnight thereafter.

12. With the aforesaid directions, the writ petition stands disposed of.

13. There shall be, however, no order as to costs.

14. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)

Pritam.