

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

8 02.4.2025
Sc Ct. no.2

WPA 4374 OF 2025

Parimal Kumar Biswas

Vs.

Paschim Banga Gramin Bank
& Ors.

Mr. Indranath Mitra
Mr. Siddhartha Ruj
Ms. Rimi Chatterjee.

....For the Petitioner

Mr. Baidurya Ghosal
Mr. Sourav Mukherjee
Mr. Saikat Mukherjee
Ms. Anupama Biswas.

....For the Respondent
Nos. 1 to 8

Mr. Indranath Mitra, learned Counsel appears for the petitioner.

Mr. Baidurya Ghosal, learned Counsel appears for the respondent nos. 1 to 8.

The petitioner is a Scale-1 officer of the respondent no.1. A disciplinary proceeding was initiated against the petitioner on the basis of the Statement of Allegations/Charges available at **page 49** to the writ petition being a part of the Charge sheet dated **January 10, 2022, Annexure-P9 at page 48** to the writ petition.

After completion of the disciplinary proceeding the impugned order was passed dated **December 30, 2022, Annexure-P22 at page 89** to the writ petition inflicting penalties upon the petitioner which, *inter alia*, are

reduction of basic pay by two stages in the time scale of pay with cumulative effect and recovery of a sum of **Rs.15,20,438/-**.

The final order was passed on **December 30, 2022** by the disciplinary authority wherefrom an appeal was carried out before the jurisdictional appellate authority as provided under the relevant service regulation of the petitioner, **Annexure-P23 at page 100** to the writ petition. **Annexure-P24 at page 114** to the writ petition, issued by the General Manager of the respondent no.1 has intimated the petitioner that the appellate authority did not find any merit in the appeal and disposed of the same accordingly. The remission of the said sum of **Rs.15,20,438/-** was demanded from the petitioner by a communication dated **November 18, 2024, Annexure-P25 at page 115** to the writ petition.

Mr. Indranath Mitra, learned Counsel for the petitioner submits as of date the petitioner has not been served with a copy of the alleged order of the appellate authority. The facts show that after the said communication dated **October 25, 2024 at page 114** to the writ petition, no step was taken by the petitioner until the instant writ petition was filed.

On instruction, learned Counsel for the petitioner submits that two or three installments have already been recovered from the petitioner against the said demand of **Rs.15,20,438/-**.

In view of the above, after considering the rival contentions of the parties and upon perusal of the materials on record it appears that unless the appellate order is communicated to the petitioner the petitioner cannot avail of its proper remedy in law.

In view of the above, the respondent no.2 is directed to communicate the appellate order to the petitioner positively within **ten days** from the date of communication of this order.

As the appellate order has not yet been communicated to the petitioner since **October 25, 2024** at **page 114** to the writ petition, there shall be **no further recovery of any amount** from the petitioner **from today** for a **further period of three weeks** from the date of communication of the appellate order to the petitioner.

It is made clear that, this Court has not gone into the merits of the rival claims of the parties and of this writ petition.

In the event, the petitioner further challenges the order of the appellate authority, all points available to him shall be kept open for challenge. Similarly, all points shall be kept open for the respondent nos. 1 to 8 in support of their defence thereto.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 4374 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)