

04.04.2025
Ct. No. 2
Sl. No.18
Moumita

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 5397 of 2025

Md. Nasim Akhter
Vs.
Indian Bank & Ors.

Mr. Sajal Kanti Bhattacharyya
Mr. Sarthak Burma
..... for the Petitioner

Mr. Shiv Mangal Singh
..... for the Respondent/Bank

Affidavit-of-service, filed in Court today, is taken on record.

The petitioner claiming to be an employee of the respondent bank has filed the instant writ petition. The show cause notice issued by the bank against the petitioner **at page 37** to the writ petition dated **August 3, 2024** suggests the charges relating to alleged defalcation of fund. Petitioner has submitted its reply dated **August 26, 2024 at page 41** to the writ petition.

Criminal case was initiated by the bank on the basis of its complaint. The petitioner was initially arrested and subsequently has been enlarged on bail by the jurisdictional Criminal Court. The criminal trial is pending. Charge-sheet has been submitted.

Mr. Sajal Kanti Bhattacharyya, learned advocate appearing for the petitioner submits since the employer bank has been delaying to conclude the disciplinary

proceeding, he prays for setting aside of the decision for suspension, as the petitioner is under suspension.

Mr. Shiv Mangal Singh, learned advocate appearing for the respondent bank submits that the preliminary enquiry is in progress against the petitioner and soon the charge-sheet shall be framed against the petitioner for initiating the proper disciplinary proceeding.

After considering the rival contentions of the parties and upon perusal of the materials on record it appears that on **August 3, 2024**, the show cause notice was issued and the petitioner has replied thereto. It is not even one year. It is about six to seven months just have passed. The criminal trial is also pending.

In view of the above, the respondent employer bank is directed to initiate and conclude the disciplinary proceeding as expeditiously as possible but positively within a period of **six months** from the date of communication of this order, strictly in accordance with law.

It is made clear that this court has not expressed any view, opinion or observation on the charges allegedly laid against the petitioner neither Court has gone into the merits of the submissions made on behalf of the bank. The disciplinary authority shall proceed independently and shall come to its logical and reasoned conclusion, strictly in accordance with law.

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

With the above observations and directions, this writ petition, **WPA 5397 of 2025** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)