

19.11.2025  
Court No.13  
Item No. 15

sp

**MAT 1165 of 2024**  
**With**  
**CAN 1 of 2024**  
**With**  
**CAN 2 of 2025**  
Dipali Dey  
Vs.  
Debanjan Sen & Anr.

Mr. Ujjal Ray,  
Mr. Abdur Rahim.

...for the appellant.

Mr. Ankit Sureka,  
Mr. Biplab Das.

... for the respondent no. 1.

Mr. Pabitra Charan Bhattacharjee.

... for the respondent no. 2.

**CAN 2 of 2025.**

- 1.CAN 2 of 2025 has been filed seeking condonation of delay of 185 days in filing the instant appeal.
2. Sufficient grounds are available to indicate the delay in filing the instant appeal.
3. Hence, the delay is condoned.
- 4.Accordingly, CAN 2 of 2025 is allowed and disposed of.

**MAT 1165 of 2024**

5. Affidavit of service filed in Court today is taken on record.
- 6.The instant appeal is directed against judgment and order dated 18<sup>th</sup> August, 2023 passed in CPAN 558 of

2023. The said application was filed for violation of this Court's order dated 20<sup>th</sup> May, 2022 passed in WPA 8790 of 2022.

7. Prayers in the writ petition made by the appellants were that she being the widow of late Sagar Chand Dey, is entitled to all terminal benefits including the arrears of salary and all allowances payable to her husband, from the employer bank, since the husband was acquitted in criminal proceedings. The said criminal proceedings were at the instance of the employer bank, namely, Midnapore Cooperative Agriculture and Rural Bank Limited. The bank had filed a complaint before the concerned police alleging defalcation of funds against several persons including the appellant's husband.

8. Simultaneously, disciplinary proceedings were initiated by the bank against the appellant's husband which culminated in his dismissal from service. Sometime after the order of dismissal was passed, the criminal proceedings against the appellant's husband resulted in an acquittal. Upon the appellant's husband seeking all dues of service benefits from the bank, it was intimated to him that due to pendency of criminal proceedings, the bank would not release any service dues to him.

9. The writ petition was taken up by a Single Bench of this Court and disposed of directing the

bank to release all terminal and service benefits including arrears of salary to him. While the order of the disciplinary proceedings was annexed to the writ petition, it appears that neither side intimated to the Single Bench that the writ petitioner's husband was dismissed from service much prior to the final order in the criminal proceedings.

10. It is for the first time in the contempt proceedings before the Single Bench alleging violation of this Court's order dated 20<sup>th</sup> May, 2022 that the Single Bench was notified of the dismissal of the petitioner's husband from service much prior to acquittal in the criminal proceedings.

11. It is now well-settled that disciplinary proceedings and criminal proceedings can proceed simultaneously, parallelly or even succeed one another, i.e., disciplinary proceedings can be initiated even after a person is acquitted in criminal proceedings.

12. Based on the above fact, the Single Bench dismissed the contempt application. The Single Bench found that the appellant had suppressed the material facts while the writ petition was being heard.

13. In view of the above, this Court does not find any reason to interfere with the order in appeal.

14. MAT 1165 of 2024 shall stand dismissed.

15. The appellant being the legal heir of her husband, is entitled to her husband's contribution to PF which she may collect from the concerned EPFO authority. The bank shall cooperate in filling up necessary form in this regard.
16. It is submitted by Mr. Pabitra Charan Bhattacharjee, learned senior counsel appearing for the bank submits that the cheque towards the appellant's husband's arrears of subsistence allowance was tendered to her but was refused. The appellant may collect a bank's cheque towards her husband's arrears of subsistence allowance, without any interest.
17. Consequently, CAN 1 of 2024 shall also stand dismissed.
18. There shall be no order as to costs.
19. Interim orders, if any, shall stand vacated.
20. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ajay Kumar Gupta, J.)**