

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Uday Kumar

FMAT 261 of 2025
IA No: CAN 1 of 2025

Subrato Roy
Vs.

All India Indian Bank SC/ST Employees
Welfare Council and others

With

FMA 857 of 2025

Subrato Roy
Vs.

All India Indian Bank SC/ST Employees
Welfare Council and others

For the appellant : Mr. Pratip Mukherjee,
Mr. Samrat Chawdhury,
Mr. Purnankar Biswas

For the respondent no.1 : Mr. Anirban Das,
Mr. Anindya Halder

Heard on : 10.07.2025

Judgment on : 10.07.2025

Sabyasachi Bhattacharyya, J.:-

1. Both the appeals are taken up together for admission hearing.
2. The appeals arise out refusal to grant injunction in respect of two different injunction applications filed in a single suit, filed by the appellant. The appellant is admittedly a member of the All India Indian Bank SC/ST Employees Welfare Council (respondent no. 1).

3. The grievance in the suit is primarily that the present Executive Committee, on whose behalf the President has issued the impugned notices for holding General Body meeting, is itself defunct in the light of Rule 4(b) of the Rules and Regulations of the said Council.
4. Rule 4(b) provides that the life time of the Executive Committee shall ordinarily be two years from the date of its installation, *but shall not exceed three years by any means*.
5. It is seen from the materials available before us that it is an admitted position that the present Executive Committee was elected on May 15, 2022 and, as such, the outer limit of three years elapsed on May 14, 2025. Hence, *prima facie*, the Committee is indeed defunct.
6. Learned counsel appearing for the respondent no.1-Council submits that there are other pending suits, in which the General Secretary of the Executive Committee has been restrained from operating, *inter alia*, the bank accounts of the Council.
7. Since arguable questions of law and fact are involved, we admit both the appeals to be heard on the grounds taken in the memoranda thereof.
8. The conundrum which has arisen is due to a vacuum in the Rules and Regulations of the Council as regards what would be the position if the Executive Committee exhausts its outer tenure of three years.
9. Since, as per Rule 4(b), the erstwhile Executive Committee has become automatically defunct by operation of the said Rule, the functioning of the Council is at present in limbo. Since Nature abhors

a vacuum, the Council's functioning cannot come to a stalemate. As such, upon hearing learned counsel for both the parties, we are of the view that independent Administrators ought to be appointed, under whose aegis the President of the erstwhile Executive Committee can hold fresh election of the Council.

10. On the suggestion of learned counsel for the parties, we hereby appoint Mr. Partha Pratim Roy and Mr. Ayan Banerjee, learned Advocates practising in this Court, as joint Administrators to hold the election of the respondent no.1-Council with the assistance of the President of the erstwhile Executive Committee of the said Council.
11. It is made clear that all arrangements for the said election shall be made by the President, in consultation with the erstwhile Committee members, strictly in accordance with the Rules and Regulations of the respondent no.1-Council, under the aegis of the joint Administrators. All members of the Council shall co-operate in the conduct of such election.
12. It is made clear that prior sanction shall be taken from the joint Administrators for all activities for the purpose of holding such election. It is expected that such election shall be held within three months from date.
13. For the purpose of holding the election, the Rules and Regulations of the Council shall be strictly adhered to. It will be open to the joint Administrators, under the aegis of whom the election shall be held, to select the venue as well as the other important modalities of the

election, in consultation with the President of the erstwhile Executive Committee and in consonance with the Rules and Regulations of the respondent no.1-Council. The decision of the joint Administrators shall be final in that regard.

14. The remuneration of each of the joint Administrators is hereby fixed at Rs. 2 lakh each. Such remuneration shall be borne by the parties in equal share for the present. Such expenses shall, upon the election of the new Committee, be reimbursed from the funds of the Council to the parties. Such remuneration shall be paid to the joint Administrators within a fortnight from date.
15. In view of the above order, no useful purpose would be served in keeping the appeals pending.
16. Accordingly, FMAT 261 of 2025 and FMA 857 of 2025 are disposed of by modifying the orders impugned therein to the above effect.
17. CAN 1 of 2025 in connection with FMAT 261 of 2025 and CAN 1 of 2025 in connection with FMA 857 of 2025 are disposed of accordingly.
18. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Uday Kumar, J.)