

M/L - 1129
08/04/2025
Court. No. 5
S.Kundu

WPA 19707 of 2024

**Md. Ashadul Haque
Vs.
State of West Bengal & Ors.**

Mr. Dhiman Kumar Sengupta,
Ms. Farhin Mustaque

...for the petitioner.

Mr. Ankit Sureka,
Mr. Biplab Das,
Mr. Partha Sarathi Pal

...for the respondent no. 2, 3 and 4.

Mr. Arnab Ray,
Mr. Shirsho Banerjee

...for the respondent no. 5.

1. The petitioner is aggrieved by the failure on the part of the respondents to act in accordance with the order dated 26th April, 2024 in WPA 7432 of 2024, whereby the liberty was granted to the petitioner to approach the Registrar of Cooperative societies with his grievance and to raise all points of law and fact before the said authority. It was further provided that the Registrar shall take a decision in the matter in accordance with law at the earliest after affording opportunity of hearing to all necessary parties.
2. It is the petitioner's case that challenging the initiation and continuance of a disciplinary proceeding against the petitioner subsequent to his retirement, the petitioner had approached this Court in WPA 7432 of 2024. A coordinate Bench of this Court by the aforesaid

order dated 26th April, 2024 had permitted the petitioner to approach the Registrar of cooperative societies.

3. Mr. Sengupta, learned advocate representing the petitioner by drawing attention of this Court to the communication dated 24th May, 2025 would submit that the petitioner had duly approached the Additional Registrar of Cooperative Society (Law West Bengal) with his grievance in the form of a dispute case unfortunately, the same had been returned to him. Accordingly, the petitioner had again approached the Assistant Registrar of Cooperative Society who, however, by his communication dated 18th July, 2024 instead of deciding the dispute had advised the petitioner that a dispute case could only be filed before an appropriate authority. He would submit that the petitioner is being made to run from pillar to post to ventilate his grievance despite the order dated 26th April, 2024. He insists that the dispute case may be accepted and decided by the respondents.
4. Mr. Sureka, learned advocate representing the Registrar of Cooperative Society would submit that no liberty had been afforded to the petitioner in terms of the order dated 26th April, 2024 to file any dispute case. What was permitted was the liberty to approach the Registrar of Cooperative Society with his grievance. Since, the petitioner instead of filing a representation

had with the Registrar, filed a dispute case the entire problem had arisen. He, however, submits that in the event, the petitioner makes a representation with the Assistant Registrar of Cooperative Society pursuant to liberty granted to him vide order dated 26th April, 2024, his grievances shall be considered by the respondents in accordance with law and in terms of the order as aforesaid.

5. Mr. Roy enters appearance on behalf of the respondent no. 5. Mr. Roy representing the respondent no. 5 would, however, by placing before this Court the order dated 24th January, 2025 passed in WPA 2325 of 2024 would submit that the petitioner has already filed a writ petition seeking release of his retiral dues including his leave encashment, provident fund and gratuity dues. By referring to such order, he would submit that the coordinate Bench of this Court by the aforesaid order has, however, only permitted disbursal of the provident fund dues and leave encashment without any direction for disbursal of gratuity.
6. He would submit that the petitioner in the garb of making a representation before the Assistant Provident Fund Commissioner, should not be permitted to reopen the aforesaid issue which has already been decided by the coordinate bench. Let a copy of the aforesaid order dated 24th January, 2025 be retained with the record.

7. Having heard the learned advocates appearing for the respective parties, it would transpire that by order dated 26th April, 2024 a coordinate Bench of this Court was *inter alia*, pleased to grant liberty to the petitioner to approach the Registrar Cooperative Society with his grievance. With a further direction upon the Registrar to take a decision in accordance with law. Records would reveal that the petitioner instead of filing a representation had filed a dispute case. Since no liberty to file any dispute case was granted the authority refused to entertain the same. Records reveal that subsequently the petitioner had approached this Court in WPA 2325 of 2024 for release of his retiral dues including leave encashment, provident fund and gratuity, whereupon the coordinate Bench of this Court by an order dated 24th January, 2025 had only directed disbursal of the provident fund and the leave encashment by *inter alia*, observing as follows:-

“Therefore, I am not inclined to direct the release of the petitioner’s gratuity until the disposal of the criminal case against him. However, the leave encashment and provident fund dues should be released immediately. The bank is directed to take the necessary steps to release the provident fund and leave encashment dues, subject to compliance with required formalities by the petitioner, within one month from the date of communication of this order.

Accordingly, WPA 2325 of 2024 is disposed of.”

8. Having regard to the aforesaid, I am of the view that the aforesaid issue which has already been decided by the Hon'ble Court cannot form the subject matter of representation by the petitioner before the Registrar of Cooperative Society.
9. In view thereof, I permit the petitioner to approach the Registrar of Cooperative Society with his representation in terms of the order dated 26th April, 2024 excluding the determination already made vide order dated 25th January, 2024 in WPA 2325 of 2024. In the event, any such representation is made by the petitioner with the Registrar Cooperative Society within four weeks from date he shall decide upon the same in accordance with law within a period of four weeks thereafter, in compliance of the observations made by the coordinate Bench of this Court in the order dated 26th April, 2024 passed in WPA 7432 of 2024.
10. With the above observations and directions, the writ petition stands disposed of.
11. There shall be no order as to costs.

(Raja Basu Chowdhury, J.)