

05.05.2025
Item No.5
gd/ssd

MAT/2067/2024
THE GENERAL MANAGER, ALLAHABAD BANK, NOW
MERGED WITH INDIAN BANK AND ORS.
VS
VASKAR NAYEK
IA NO: CAN/1/2024, CAN/2/2024

Mr. S. Pal,
Mr. S. Pal Choudhuri,
Ms. Tithi Paul,
Ms. Shilpi Paul
..for the Appellants.

Mr. Shyamal Das,
Mr. Prasanta Banerjee,
Mr. Shankha Maity,
Mr. Aditya Sinha
..for the Respondent.

Re: CAN 1 of 2024

1. The appeal is barred of time and there is a delay of 428 days in filing the appeal though the reasons assigned by the appellant bank are not very convincing yet since we have heard the matter.

2. We exercise the discretion and condone the delay in filing the appeal.

3. Therefore, the application for condonation of delay is allowed.

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4. This intra court appeal at the instance of the Allahabad Bank, presently merged with the Indian Bank, and the challenge is to the order passed in WPA 8335 of 2022 dated 11th August, 2023.

5. In the said writ petition the respondent herein, namely, Bhaskar Nayek challenged an order passed by the appellant/bank dated August 26, 2019.

6. By the said order he was removed from the service of Sweeper with superannuation benefit i.e. pension and/or provident fund and gratuity as would be due otherwise under the Rules and Regulations prevailing at the relevant time and without disqualification from future employment.

7. The only charge led to the order of removal is that the writ petitioner has suppressed the qualification of pass in Madhyamik and he had stated that he had passed 8th standard and secured employment. After more than four years the order of removal has been passed.

8. The learned Single Bench has carefully analysed the purport and the scope of the recruitment notification and found there is nothing to indicate that the appellant had made a false declaration. Furthermore, on perusal of the recruitment notification the court held that there is nothing to prohibit and disqualify a candidate who was procured some illegal advantage on the basis of any false declaration and in the absence of the tangible material to show disqualification of the appellant the ratio of the decision relied on in the case of Three Judge Bench of this court in *Rita Dutta & Others v. Anjali Mahato & Others* in

2010 (3) Calcutta Law Times 232 (HC) was held to be applicable.

9. That apart, the salary of the petitioner as a Sweeper was only 6,300/- and considering all these facts and circumstances, we find no grounds to interfere with the impugned order.

10. Accordingly, the appeal fails and dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)