

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**BEFORE:
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA**

**W.P.A. 11753 of 2025
SRI PARTHA KUNDU
VS.
THE STATE OF WEST BENGAL AND OTHERS**

For the Petitioner : Mr. Pabitra Charan Bhattacharjee, Sr. Advocate
Mr. S. Panja
Mr. Sovan Nayak
..... advocates

For the respondent no. 2 : Mr. Srijan Nayak
Ms. Rituparna Maitra
.... advocates

Heard on : 03.02.2026

Judgment on : 03.02.2026

HIRANMAY BHATTACHARYYA, J.:-

1. Affidavit of service filed in Court today is taken on record.
2. The learned advocate appearing for the petitioner submits that the Durgapur Steel Peoples' Co-operative Bank Limited has been duly served.
3. In spite of service none appears for the said Co-operative Bank.
4. The petitioner, who was working as an Assistant Manager, Main Branch Deposit Section at Durgapur Steel Peoples' Co-operative Bank Limited, retired from service on superannuation on December 31, 2024. Prior to the date of superannuation, a

show cause notice dated November 16, 2024 was issued and the petitioner submitted a reply to the show cause notice denying allegations contained in the show cause notice. The authorities of the Bank decided to hold an enquiry against the petitioner and the memorandum of charges dated December 24, 2024 was served upon the petitioner.

5. The petitioner has challenged the action of the authorities of the Bank to continue with the disciplinary proceedings after the date of superannuation.
6. Mr. Bhattacharjee, learned senior advocate appearing for the petitioner submits that there is no provision for continuation of the disciplinary proceedings after the retirement of the employees of the Co-operative Bank either in the Memorandum of Understanding (Service Rules) of the bank as well as the West Bengal Co-operative Societies' Rules. Mr. Bhattacharjee refers to the order dated June 10, 2025 wherein a direction was passed upon the respondent nos. 3 to 6 to place before the court a chart showing the exact retiral dues payable to the petitioner and the outstanding loan amount as on December 31, 2024. Mr. Bhattacharjee further submits that the directions contained in the order dated 10th June, 2025 has not been complied with by the respondent nos. 3 to 6 till date.
7. Mr. Nayak, learned advocate appears for the 2nd respondent. He submits that the respondent nos. 3 to 6 are the answering respondents in this matter.
8. Heard the learned advocates for the parties and perused the materials placed.
9. In paragraph 39 of the writ petition it has been specifically stated that there is no provision for continuation of the disciplinary proceedings after retirement either in the Memorandum of Understanding (Service Rules) of the bank and the West

Bengal Co-operative Societies' Rules. Such averment in the writ petition remains uncontroverted. No material has been produced by the respondents to show that the service Rules governing the service of the petitioner permits continuation of disciplinary proceedings after the date of superannuation.

10. Mr. Bhattacharjee, learned senior advocate appearing for the petitioner places reliance upon a decision of the Hon'ble Supreme Court in the case of **UCO Bank & Anr. Vs. Rajinder Lal Capoor** reported at **AIR 2008 SC 1831** in support of his contention that the disciplinary proceedings cannot be continued after an employee reaches his age of superannuation in the absence of any rules in that regard.
11. In the said report the Hon'ble Supreme held that ordinarily no disciplinary proceedings can be continued in the absence of any rule after an employee reaches his age of superannuation. It was further held therein that a rule which would enable the disciplinary authority to continue a disciplinary proceedings despite the officers reaching the age of superannuation must be a statutory rule. A fortiori it must be a rule applicable to a disciplinary proceedings.
12. As observed hereinbefore no material has been produced before this Court to show that the service rules governing the employees and the officers of Co-operative Bank enables the disciplinary authority to continue disciplinary proceedings despite the officers reaching the age of superannuation.
13. In view thereof, this Court holds that the disciplinary proceedings initiated on December 24, 2024 by issuance of a memorandum of charges stood lapsed upon the date of superannuation of the petitioner and the same cannot be continued thereafter.

14. In view thereof, there cannot be any impediment for release of the retiral benefits in favour of the petitioner. This Court is of the considered view that the respondents acted in an illegal and arbitrary manner in withholding the retiral benefits after the superannuation of the petitioner.
15. Thus a direction should be passed upon the respondent bank to disburse the retirement dues which the petitioner is entitled to after recovery of any loan amount that may be due from the petitioner.
16. This Court, therefore, directs the authorities of the Durgapur Steel People's Co-operative Bank Limited to disburse the retiral benefits to the petitioner which he is entitled to after adjusting/recovering any amount due from the petitioner on account of any loan. Such amount shall be disbursed by the authorities of Durgapur Steel Peoples' Co-operative Bank Limited as expeditiously as possible but positively within a period of thirty working days from the receipt of a server copy of this order.
17. With the above observations and directions WPA 11753 of 2025 stands allowed.
18. There shall be however no order as to costs.
19. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(HIRANMAY BHATTACHARYYA, J.)