

07-01-2026
ct no. 13
Sl. 3
pk

FMA 1128 of 2025

With

CAN 1 of 2025

Surajit Banerjee

-Versus-

The State of West Bengal & Ors.

Mr. Anindya Lahiri, Id. Sr. Adv.
Mr. Samrat Dey Paul,
Mr. Anish Chakraborty.

...for the appellant.

Mr. Santanu Kr. Mitra, Id. Sr. Govt. Adv.
Mr. Amartya Pal.

..for the State.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra.

..for the Co-operative Election Commission.

1. Despite service of notice, the Co-operative Society and the Board are not represented.
2. The instant appeal is directed against an order dated 10th June, 2025 passed by a Single Bench of this Court whereby and whereunder WPA 27294 of 2024 was dismissed.
3. The writ petitioner/appellant was the highest paid employee of the Alipore Sub-Division Central Fishermen's Co-operative Society Ltd. He was a paid employee and Manager. He was

designated as CEO's when an earlier CEO term was over. During his tenure it was found that some Board Members who ought to have been reelected and are on the Board of the society as on date, may have misappropriated sums of money. Based on the said allegation, the Assistant Director of Fisheries, South 24-Parganas whose office appoints CEO to the Co-operative Societies like that of the instant case, has ordered an inquiry.

4. The grievance raised by the petitioner/appellant before the Single Bench, was three-fold, that a regular CEO be appointed to the Society by the Board or the State and for completion of enquiry into the alleged allegation of defalcation. A third prayer was also made by the petitioner for release of unpaid salary as CEO.
5. This Court is of the view that the appeal could be disposed of directing the concerned Registrar of Co-operative Societies, to ensure completion of the pending enquiry into the defalcation of funds by two Board Members, i.e. a sum of Rs. 1.52 lakhs and Rs. 1.20 lakhs by cheque Nos. 720067 and 720068 sometime in the year 2024 by the already

appointed Inquiry Officer or by appointment of a fresh enquiry officer.

6. For the aforesaid purpose, the report of the statutory auditor Mr. Pinaki P Chakraborty may be considered by the enquiry authority.
7. The Board of Directors may take steps for appointment of new CEO in terms of the Act of 2006. The prayer of the petitioner/appellant for release of his unpaid salary shall also be decided upon by the newly elected Board and a decision in that regard shall be communicated to the writ petitioner/appellant.
8. Let the aforesaid directions be complied with by the concerned authority, within a period of 2 months from the date of communication of a copy of this order.
9. For the aforesaid purpose, the petitioner/appellant may supply all necessary documents and make a fresh representation to the appropriate authority including the Board and the concerned Registrar.
10. With the aforesaid direction, FMA 1128 of 2025 shall stand disposed of.
11. Consequently, CAN 1 of 2025 shall also stand disposed of.

12. There shall be no order as to costs.
13. Since no affidavits have been called from the respondents, the allegations contained in the stay application shall not be deemed to have been admitted.
14. 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.)