

S/L 07
01.07.2026
Court No.04
B.K.N

F.M.A. 1278 of 2025
With
CAN 1 of 2025
West Bengal Gramin Bank & Ors.
Vs.
Shanta Pramanik

Mr. Baidurya Ghosal,
Mr. Sourav Mukherjee,
Mr. Saikat Mukherjee

...for the Appellants.

Mr. Sanjay Saha

...for the Respondents.

1. The writ petitioner, a Cashier in the Bank was proceeded against on the ground of certain amounts being missing in the safe in the branch (Rs. 2,05,000/-). The charge memo was issued and the petitioner appeared before the Enquiry Officer. The proceeding culminated in an order of punishment which was the subject matter of an earlier writ proceeding arising out of W.P. No. 25950(W) of 2013. The Writ Court order was assailed by the petitioner by way of an Intra Court Appeal (M.A.T. 2080 of 2017). The coordinate Bench considering the Intra Court Appeal on the earlier occasion found that there was no basis to sustain the finding of the Enquiry Officer regarding an admission on behalf of the petitioner that he replenished the amounts missing from the safe. The coordinate Bench set aside the termination order and the entire proceedings in the following terms:

“We set aside impugned order as well as the inquiry report and all orders passed pursuant

thereto in the disciplinary proceeding. The bank will cause immediate fresh inquiry in the matter on disciplinary proceeding from the stage of charge sheet, keeping in mind what we have pointed out in this order. Inquiry and all proceedings pursuant thereto must be completed within period eight weeks from date. For purpose of resumption of disciplinary proceeding from the stage of charge sheet, suspension order of appellant will be deemed to have revived, only for the duration of it. There will be no claim of arrear subsistence allowance or anything else, at this stage.

The appeal and applications are disposed of as above.”

2. Pursuant thereto the enquiry proceeded afresh which culminated in submission of an enquiry report and fresh order dated 13.12.2021 by the Disciplinary Authority again terminating the petitioner from his service.
3. The petitioner thereafter filed a writ petition. This writ petition being the second writ petition filed by the petitioner was numbered as W.P.A. 17532 of 2022. The petitioner assailed the legality of the entire departmental proceeding including the final order of punishment passed by the Disciplinary Authority as well as the order of the Appellate Authority.
4. The Hon'ble Single Judge allowed the relief to the petitioner along with consequential benefits. The judgment of the Writ Court dated 22.04.2025 passed in W.P.A. 17532 of 2022 is the subject matter of the present Intra Court Appeal.
5. The learned advocate for the writ petitioner submitted that the enquiry was vitiated on the ground that the Enquiry Officer committed the same error which was

committed on the last occasion. He also submitted that the petitioner was deprived of his statutory remedy of appeal under the Bank's Rules since the petitioner's appeal was considered by the General Manager who happened to be the Disciplinary Authority. He submits that an appeal before the Disciplinary Authority does not subserve the principal of natural justice. The Rules, therefore, prescribed the Chairman to be the Appellate Authority. Therefore, the Writ Court rightly allowed the relief and the same required no interference.

6. The learned advocate for the Bank being faced with such submission stated that the petitioner's appeal may be placed before the competent Appellate Authority (Chairman of the Bank) to accord consideration.
7. At this juncture the learned advocate for the appellant also submits that let the appeal be considered by the competent authority.
8. We, therefore, remit the matter to the Appellate Authority (Chairman of the Bank) for consideration in accordance with the Rules/Law. We expect that the Appellate authority shall accord consideration within a period of six weeks from the date of receipt/production of a copy of this order.
9. To facilitate such consideration, we quash the earlier order dated 16.06.2022 passed by the General Manager of the Bank on the petitioner's appeal; and set aside the judgment of the Hon'ble Single Judge dated 22.04.2025.

10. The appeal and the writ petition is accordingly disposed of.
11. Pending application is also disposed of.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)