

28.07.2026
Ct. No.18
Sl. No.22
akd

W. P. A. 17433 of 2026

[Kush Chattaraj -Vs- Bangiya Gramin Vikash Bank & Ors.]

Mr. Soumik Ganguli

... .. for the petitioner

Ms. Sreemoyee Mitra

... .. for respondent no. 3
[Paschim Banga Gramin Bank]

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner has been subjected to a disciplinary proceeding which was initiated against him on the ground that he had carried out unauthorized and irregular transactions while officiating as the Branch Manager of the Bangiya Gramin Vikash Bank, sometime between May, 2023 to December, 2023. The disciplinary proceeding culminated in the punishment by the disciplinary authority on February 12, 2025, whereby the petitioner was '*removed from service which shall not be a disqualification for future employment*'. This order of the disciplinary authority was carried in appeal by the petitioner. The appellate authority by its order dated May 17, 2025, after recording all issues, upheld the order passed by the disciplinary authority.
3. The petitioner had been involved in siphoning out a sum in excess of Rs.72 lakhs, which he had thereafter refunded to the bank. The petitioner is presently aggrieved that the punishment meted out to him by the disciplinary authority and the appellate authority are discriminatory in nature as a similarly situated person, who had also been charged with defalcation of funds,

was subsequently permitted to rejoin the service, thereby revoking the order of suspension issued against her.

4. Ms. Sreemoyee Mitra, learned Advocate appearing for the Paschim Banga Gramin Bank submits that the entire process including the proceedings before the disciplinary authority and the appellate authority were conducted in consonance with the prevalent rules and regulations of the bank guiding the proceedings. In fact, she submits that the question of discrimination does not arise as the person cited for such discrimination, was an employee of the Paschim Banga Gramin Bank. The petitioner is an employee of the Bangiya Gramin Vikash Bank and the entire incident took place while he was serving as the Branch Manager of the Bangiya Gramin Vikash Bank in 2023.

5. I have heard the learned Advocates for both the parties and perused the documents on record.

6. The process, procedure and the finding of the disciplinary authority and the appellate authority have not been questioned. It is not the petitioner's case that the disciplinary proceedings or the proceedings before the appellate authority were carried out in violation of any prescribed norms or in violation of any of the principles of natural justice. His only grievance is that he has been meted out a punishment, which is on the face of it discriminatory since a similarly situated person was dealt with in a different manner, inasmuch as this other person was allowed to be reinstated, even though the charges against the said person were almost similar to that of the petitioner.

7. As it appears from the records the disciplinary proceedings were not initiated and were merely contemplated when the suspension order was meted out to this person. Subsequently the order of suspension had been revoked. It is however, not clear as to how and in what circumstances the suspension was revoked or as to why the disciplinary proceedings were not initiated against her.

8. In the present case, there is a clear finding that the petitioner is guilty of the charges levelled against him of defalcation of funds. This much is also admitted by the petitioner as he has refunded the entire amount along with some interest. Thus, the charge had not only been substantiated but has been proved.

9. In so far as the punishment is concerned, it is also not the case of the petitioner that the punishment is not commensurate with the charge or that the punishment was beyond the one stipulated under the prevailing guidelines.

10. The only issue therefore, is whether the said person, whose case has been cited in this matter was similarly situated or not as that of the petitioner.

11. The issues to be considered here are enumerated hereunder :

- a) *The petitioner at the time of the incident was employed in a particular institution, the Bangiya Gramin Vikash Bank. The cited person was employed in the Paschim Banga Gramin Bank, which is a separate entity and had no connection with the institution/entity in which the petitioner served.*
- b) *The petitioner had faced the entire gamut of the disciplinary proceedings as well as the appellate authority. The person cited, from the records, it appears that the suspension order had been revoked.*

Thus, there is no finding that any disciplinary proceeding had been initiated against the person cited or that it had reached its logical conclusion.

12. On the afore-stated grounds, it cannot, under any circumstances be held that the petitioner and the person cited are similarly situated.

13. Though it is a matter of fact that the Bangiya Gramin Vikash Bank and the Paschim Banga Gramin Bank had merged sometime in 2025, at the time of these two incidents, that of the petitioner and that of the cited person are of a period when these two entities had their own independent existence and were guided by their own rules and regulations. Thus, the regulations of one of these cannot be equated with the other in any manner.

14. The rules and regulations of the Paschim Banga Gramin Bank have not been placed in this case nor has it been argued that the regulations guiding the two institutions, prior to their merger were identical. It has also not been specified as to when and under what circumstances the suspension of the person cited had been revoked.

15. In view of the afore-stated circumstantial difference between the two persons (*petitioner and the person cited*), it cannot be conclusively held that the petitioner and the person cited were similarly situated on account whereof they should be treated in a similar manner.

16. In view of the afore-stated, WPA 17433 of 2026 fails and is accordingly, dismissed.

17. There shall be no order as to costs.

18. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)