

**IN THE HIGH COURT AT CALCUTTA
(CONSTITUTIONAL WRIT JURISDICTION)**

APPELLATE SIDE

Present:

The Hon'ble Justice Partha Sarathi Chatterjee

**WPA 9585 of 2011
With
IA No. CAN 1 of 2013 (Old No. CAN 11811 of 2013)**

Tarun Kumar Dutta

-Vs.-

Chairman, UCO Bank & Ors.

For the Petitioner : *Mr. Sudip Ghosh,*
Mr. Chittapriya Ghosh,
Mr. Bidish Ghosh,
Mr. Samarjit Balial.

For the Bank : *Mr. Sudip Pal Choudhury,*
Ms. Shilpi Paul.

Heard on : *18.04.2024*

Judgment on : *22.05.2024*

Partha Sarathi Chatterjee, J.:-

Preface:

1. In essence, questioning the justifiability of the order of punishment dated 22.01.2009 and the order of the appellate authority dated 21.04.2011, while

also praying for issue of a writ of *mandamus* commanding the concerned respondents to release the petitioner's gratuity and other admissible dues, the present writ petition has been instituted.

Petitioner's case:

2. Adverting to the facts, as unfurled in the writ petition, it would be noted that the petitioner joined the United Commercial Bank (in short, the bank) as an Assistant Cashier-cum-Godown Keeper on 09.09.1977. Due to his unblemished career, the petitioner was consistently promoted over time. On 13.07. 2005, the petitioner was elevated to the post of M.M. Sr. Scale-II from its feeder post of JMG Scale-I and transferred to Deokhajuri Branch, Madhya Pradesh to officiate in the position of its Branch Manager.
3. He assumed the charge of the Deokhajuri Branch (hereinafter, the branch) on 18.07.2005. Within a short span of time, he realized that he was surrounded by certain unscrupulous individuals and a vicious circle was actively operating in the branch. They coerced the petitioner into signing certain loan documents. Through an informal communication dated 12.01.2006, he brought these facts to the attention of the General Manager of the bank.
4. During his tenure as Branch Manager, the petitioner achieved all the targets and his excellent performance garnered appreciation from the highest echelon of the bank. Certificates of merit/appreciation were even issued in acknowledgment of his outstanding performance.
5. All of a sudden, to his utter surprise, he received a purported order of suspension *vide*. dated 27.08.2007 which stated to have been issued by the

Assistant General Manager of the bank in contemplation of a disciplinary proceeding.

6. Within a quick succession, a show-cause notice dated 10.09.2007 was issued to the petitioner asking him to show-cause as to why suitable actions would not be taken against the petitioner for exhibiting lack of honesty, devotion and diligence in discharging his duties and for not taking the appropriate steps to protect the bank's interest. The petitioner submitted his response to such show-cause notice within the time specified therein but without considering the same, the bank decided to proceed further.
7. A charge-sheet *vide*. no. ZOBP/VIG/OTH/58/07-08 dated 21.01.2008 was served upon the petitioner on the following allegations:

“i) On 18.04.2006, he sanctioned a loan of Rs. 4(four) lakhs without considering the pre-sanction report. The spot verification report was not prepared in prescribed form. Subsequently, it was detected that the borrower personified himself to be the owner of the land in which the equitable mortgage was created to disburse the loan. The petitioner failed to conduct discreet enquiry from the villagers to ascertain the identity of the proposed borrower.

However, the loan was repaid and the bank did not suffer any pecuniary loss.

ii). The petitioner/delinquent employee availed of privilege leave for 27 days commencing from 10.10.2005 to 5.11.2005, for 16 days, from 9.1.2006 to 24.1.2006 and for 13 days i.e. from 13.02.2006 to 25.02.2006 but during the period he was on leave, he put his signatures on the vouchers/papers related to the loans disbursed by one Shri Vijay Hatwaine, the then Assistant Manager of the branch.

iii). Though no power was delegated to Mr. Hatwaine to sanction and disburse any loan, yet he had sanctioned and disbursed 64 loans to the tune of Rs. 188 lakhs during the period the delinquent was on leave but the delinquent put his signatures on the loan-documents with a view to protect Mr. Hatwaine.

iv). Despite having no power, the delinquent purchased two cheques of Rs.9 and 4 lakhs for one M/s. Vishwakarma Welding Works and processed FDRs favouring them without following the KYC norms and in derogation of the Banking laws. He failed to recover commission on such bills and thereby, forced the bank to suffer pecuniary loss.

v) During his tenure as Branch Manager, the delinquent kept the balancing of books in arrears for a long time. He sent clear IT-4 as without any difference. In January, 2006, the delinquent submitted the certificate of balancing in form IT-4 for December, 2005 mentioning that all the books of the branch were balanced during the month of December, 2005.

vi) The delinquent took keen interest to make reckless financing especially under Heerak Jayanti Scheme. He had sanctioned/disbursed to the tune of Rs. 900 lakhs during the period of 5th August to 6th August. The delinquent disbursed 114 loans during the months of March 2006 and April 2006. He failed to submit ST-47 in respect of advances made during that period. He failed to submit Lead Bank Returns to State Bank of Indore. The delinquent had made many advances outside the service area of the bank. He granted loans to minors. In most of the loan accounts, he failed to obtain PSVR AGRI and based on self-prepared Pre Sanction Inspection Report. He did not ensure post disbursed inspection. He failed to collect ID proof of borrowers in some loan cases.”

- 8.** The petitioner submitted his reply to the charge sheet denying all the allegations levelled against him. In his reply, it was contended that the charge sheet was not issued in conformity with the Regulation 6 of UCO Bank Officers Employees (Discipline & Appeal) Regulations, 1976 (in short, the Regulations). Though he had made request to inspect the documents but no such opportunity was afforded to him.
- 9.** However, subsequently, accepting his appeal, the order of suspension was revoked *vide* order dated 29.08.2008.
- 10.** The Management adduced oral accounts of one witness, MW-I and almost 64 (approx.) pieces of documents were relied upon by the Management. The enquiry proceeding stood completed on 12.08.2008. The Presenting Officer *vide* his letter dated 05.09.2008 communicated his written brief to the Inquiring Authority claiming that all the allegations brought against the petitioner stood proved.
- 11.** The Inquiring Officer returned his findings, which was communicated to the petitioner under a covering letter of Zonal Manager of the bank dated 08.12.2008, holding that the four charges being the charge-I, II, III and V stood proved whereas the charge nos. IV was partly proved.
- 12.** By a letter dated 18.12.2008, the petitioner submitted his comments on the findings returned by the Inquiring Officer contending that as and when it came to his knowledge that one Bisan Das impersonated himself as Narayan Das, the petitioner attended the issue promptly and the loan was instantly repaid. The petitioner had informed that when he was on leave, the Assistant Manager disbursed 64 loans and the petitioner was coerced to sign certain loan documents. He contended therein that those two cheques were

purchased taking verbal permission from AGM. He pleaded absence of his *mala fide* in purchasing those two cheques. The paucity of staff, announcement of Debt Waiver Scheme and ambitious targets were cited by him as possible reasons for difference of balances, if at all existed.

13. However, by an order dated 22.01.2009, the Disciplinary authority endorsed the findings of the Inquiring Officer and awarded punishment of reduction of grade. The petitioner was brought down to the initial stage of JMG Scale-I. Though the petitioner was declared to be entitled to normal annual increments but he was debarred from participating in promotion process for a period of five years from the date of order of punishment.
14. The petitioner preferred the statutory appeal but the same was left unattended which prompted the petitioner to move one writ petition *vide* W.P. no. 20299(W) of 2010 before this Hon'ble Court. The writ petition was disposed of by an order dated 08.04.2011 directing the appellate authority to dispose of the appeal within the time stipulated therein. Ultimately, the appeal was dismissed upholding the order of punishment.
15. The petitioner retired from service on attaining the age of superannuation on 31.03.2011. Record reveals that under a covering letter of the Chief Manager of the Bank dated 22.03.2011, a cheque of Rs. 4, 48, 206/- was sent to the petitioner towards full and final settlement of the petitioner's gratuity amount.
16. By a letter dated 26.03.2011, the Zonal Manager, Human Resource Management Department, UCO Bank, Head Office, Salt Lake, Kolkata deducted a sum of Rs. 1, 52, 983/- from the petitioner's gratuity amount.

17. One Bhunath Dutta, since deceased availed of a cash facility of Rs. 25,000/- from the bank in 1987 keeping one property mortgaged. Bhunath Dutta expired on 22.02.1995. The bank deducted a sum of Rs. 1, 52,983/- on the reasoning that the petitioner was one of the co-guarantors of the loan and also one of the signatories of the mortgage deed.
18. The parties have exchanged their affidavits, as directed.

Respondents' case:

19. The crux of defence taken by the respondents is that this Court has got no territorial jurisdiction to entertain this writ petition. During his tenure as Branch Manager of Deokhajuri Branch, Bhopal, M.P., the petitioner indulged in 'several acts of irregularities, omissions and commissions in granting credit facilities and violated the extant guidelines of the bank in the matter of processing, verification, disbursement and monitoring of loans'. As a result of which, the loan accounts slipped to NPA and the bank was exposed to pecuniary losses.
20. The petitioner was allowed to make inspection of the documents. The petitioner submitted his written statement of defence. The petitioner was given all reasonable opportunities to defend himself. The findings of the Inquiring Officer was provided to him and the petitioner submitted his response thereto. After considering his response to the findings of Inquiring Officer, the order of punishment was passed. The disciplinary proceeding was commenced, conducted and concluded in conformity of the statutory rules and settled principles of law. In compliance with the order of this Court, the statutory appeal was heard but the same, deemed to lack merit, was dismissed. The petitioner was one of co-guarantors in respect of the loan

availed of by Bhunath Dutta and as such, the deduction of Rs. 1,52,983/- was justified.

21. Having concluded their arguments, the parties have submitted their respective written notes of argument.

22. Mr. Ghosh, learned advocate representing the petitioner sought to argue that the point of territorial jurisdiction had not been raised at the time of admission of the writ petition and even, such issue was not raised when the earlier writ petition was moved. He cited a decision, reported at (2014)9 SCC 329 (Nawal Kishore Sharma vs. Union of India & Ors.) for the proposition that if a small part of cause of action occurs within the territorial jurisdiction of the High Court, that Court can entertain a writ petition. He asserted that since the *situs* of the appellate authority is within the territorial jurisdiction of this Court, the petitioner can invoke the writ jurisdiction of this Court.

23. He argued that the show-cause notice itself will speak that the Management in a pre-determined mind has proceeded and awarded punishment.

24. His next plunk of argument is that the charge-sheet itself is bad and the same was not issued in conformity with the rules in vogue. He strenuously contended that no opportunity was afforded to the petitioner to inspect the documents relied on by the Management. He next contended that the bank did not suffer any pecuniary loss and no materials have been produced to demonstrate that the petitioner achieved any wrongful gain or he has any mala fide intention. He submitted that long before the initiation of the proceeding, by his letter dated 12.01.2006, the petitioner informed the General Manager of the bank that the petitioner was coerced into signing

certain loan documents processed by the Assistant Manager of the branch during the period he was on leave. He asserted that deduction of the amount from the petitioner's gratuity was illegal. To embolden his contention, Mr. Ghosh relied on a decision, reported at (2022) 8 SCC 162 (T. Takano vs. Securities and Exchange Board of India & Ors.) and another unreported decision rendered by a coordinate Bench of this Court in W.P. O. 2897 of 2022 (Sanjoy Das vs. The Union of India & Ors.).

25. In response, Mr. Pal Choudhury, learned advocate appearing for the bank argued that the disciplinary proceeding against the petitioner was initiated on the allegations of misconduct committed by the petitioner while he was working as Branch Manager of Deokhajuri Branch, Bhopal, M.P. He submitted that the entire disciplinary proceeding was commenced and concluded in Bhopal and as such, this Court has got no territorial jurisdiction to entertain this writ petition.

26. It was his argument that in terms of Rule-6 of the rules, the respondents had no obligation to supply the list of witnesses and the list of documents. According to him, the petitioner cannot be permitted to raise this issue first time in this writ petition. The petitioner could not make out any case that due to non-supply of documents, he was prejudiced. He referred to the decisions, reported at (2005) 7 SCC 435 (SBI vs. Bela Bagchi), AIR 2022 SC 943 (UBI vs. Bachan Prasad), (2021) 2 SCC 42 (Dy. General Manager (Appellate Authority) & Ors. vs. Ajai Kr. Srivastava) for the proposition that a bank can initiate a disciplinary action against its employees on allegation of any misconduct even if such misconduct does not entail a pecuniary loss to the bank.

- 27.** He sought to give reminder of the settled norms that the Court exercising the power of judicial review cannot sit in appeal over the decision taken by the disciplinary authority or the appellate authority.
- 28.** He sought to argue that the petitioner happened to be a co-guarantor and as such, his liability was co-extensive. The bank has rightly deducted the amount from the petitioner's gratuity amount. He relied on the decisions, reported at AIR 2002 Cal 223 (Navin Jain vs. SBI), (2011) 2 SCC 316 (SBI vs. Bidyut Kr. Mitra & Ors.) to invigorate his argument.

Analysis:

- 29.** Heard the learned advocate appearing for the parties. Perused the materials on record.
- 30.** Before addressing the issue of territorial jurisdiction which has become fundamental to the resolution of the question of maintainability of the writ petition, it would be apt to quote the provisions of the clause (2) of the Article 226 of the Constitution of India, which reads thus:

“The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”

- 31.** Therefore, a bare perusal of the above quoted provisions would reveal that if part of cause of action arises within a territorial jurisdiction of any High Court, that Court can entertain a writ petition.

- 32.** I may profitably refer a decision, reported at AIR 2004 SC 2321 (Kusum Ingots & Alloy Ltd. vs. Union of India), the Hon'ble Supreme Court ruled that *'even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may be considered to be a determinative factor compelling the High Court to decide the matter on merit'*.
- 33.** In the judgment of Kusum Ingots & Alloy Ltd. (supra), the Hon'ble Court clarified the issue by holding that *'when the original authority is constituted at one place and the appellate authority is constituted at another, a writ petition would be maintainable at both the places. In other words as order of the appellate authority constitutes a part of cause of action, a writ petition would be maintainable in the High Court within whose jurisdiction it is situate having regard to the fact that the order of the appellate authority is also required to be set aside and as the order of the original authority merges with that of the appellate authority'*.
- 34.** Therefore, there is no room for hesitation to conclude that in the case at hand, as the appellate authority constituted within the territorial jurisdiction of this Court, this Court has got territorial jurisdiction to entertain the writ petition.
- 35.** Needless to state that the scope of judicial review grounded on illegality, irrationality say, *Wednesbury* unreasonableness and procedural impropriety. The doctrine of reasonableness gives way to doctrine of proportionality also. Judicial review of administration action is intended to prevent arbitrariness, irrationality, unreasonableness, bias and *mala fides*. The basic requirement of Article 14 is fairness in action by the State.

Admittedly, scope of judicial review must be confined to decision making process but if it is found that decision is perverse, irrational or grossly disproportionate, that decision will come under the purview of judicial review.

36. Admittedly, in a department enquiry, a reasonable opportunity is to be afforded to the delinquent to exonerate himself from the charge or charges levelled against him by showing that the evidence adduced against him is not worthy of credence or the charges proved against him are not of such a character as to merit the extreme penalty of dismissal or reduction in rank/grade etc.

37. Suffice it to observe that the expression 'reasonable' and 'fair' carry almost the same meaning but both the words are not susceptible of a clear and precise definition. The expressions mean 'most suitable' in a given set of circumstances. The disciplinary proceeding is quasi-judicial and quasi-criminal in nature. As such, the delinquent should be notified of the charges and given opportunity to defend the charge.

38. The basic concept of fair play in action is squarely applicable in administrative, judicial and quasi-judicial field. When an authority assumes jurisdiction to discharge quasi-judicial function, then such authority must act fairly, impartially and without any bias or pre-determined mind. If the court finds that authority has acted arbitrarily with closed mind and in violation of rules of natural justice and in derogation of the statutory rules, the Court can extend the compass of judicial review to render justice.

39. Suffice it to observe that the proceedings of a departmental enquiry are not governed by strict rules as applicable to judicial proceedings nevertheless the rules of natural justice do apply. In a disciplinary proceeding, the

technicalities of criminal law cannot be invoked and even the strict mode of proof prescribed by the Evidence Act should not be applied with equal rigor but the substantive rules of evidence based on principles of natural justice cannot be ignored. A charge framed against the delinquent must be held to be proved before any punishment can be imposed on him. Be it noted here that mere suspicion should not take place of proof.

- 40.** In a departmental enquiry entailing adverse or penal consequences, there must be fair play in action and investigations into the charges in accordance with the principles of natural justice and the rules and/or regulations in vogue. Procedural fairness is as much as an essence of right and liberty as the substantive law itself.
- 41.** Procedural fairness in a departmental enquiry mandatorily requires proper disclosure of materials sought to be used against the delinquent. It is axiomatic that non-disclosure of particulars of evidence and non-supply of the documents to the delinquent employee would amount to violation of natural justice and the omission to disclose the list of witnesses and list of documents and failure to supply the documents or to afford an opportunity to inspect the document, as the case may be, would vitiate the entire decision making process and/or the disciplinary proceeding.
- 42.** Law appears to be settled that a quasi-judicial authority, while acting in exercise of its statutory power must act fairly and must act with an open mind while initiating a show-cause proceeding. A show-cause proceeding is meant to give the person proceeded against a reasonable opportunity of making his objection against the proposed charges indicated in the notice.

43. In this context, reference to the decision, reported at (2010) 13 SCC 427 (*Oryx Fisheries Pvt. Ltd. –vs- Union of India & Ors.*) would be instructive. In this case, the Hon’ble Apex Court ruled that ‘...at that stage the authority issuing the charge- sheet, cannot, instead of telling him the charges, confront him with definite conclusions of his alleged guilt. If that is done, as has been done in this instant case, the entire proceeding initiated by the show cause notice gets vitiated by unfairness and bias and the subsequent proceeding become an idle ceremony’.

44. It is expected that on reading of the show-cause notice, the person against whom it has been issued must have confidence that if he can show acceptable and/or satisfactory cause, he can prove his innocence but if he finds that the submission of show-cause would be mere empty formality as the authority has already made up its mind, then basing upon such show-cause notice a fair proceeding cannot be conducted.

45. Now, let me look into the words used in the show-cause notice to resolve the issue whether or not, the authority proceeded with pre-determined mind, as claimed by Mr. Ghosh.

46. In the show-cause notice, after enumerating the charge no. 1, the Disciplinary Authority (in short, DA) used the following the words:

“Thus you did not at all observe the KYC norms at any stage in this case. Thus due to your flaggarant violation of the norms of lending and utter casual approach, the unscrupulous person was able to defraud the bank . Although you managed to get the account closed and the Bank is not put into financial loss due to this fraud, yet you deliberately failed to protect the interest of the bank.

After enumeration of charge no. 2, the DA used the words *that thus knowing fully well thatyou kept the balancing in arrears for months together thus constantly suppressing the facts of non-balancing from your higher authorities which is highly violative of corporate guidelines.*

After narrating the charge no. 3, the DA used *the words that thus you have violated the norms of lending and made reckless finance due to which the bank is likely to be exposed financial risks/loss..*

After narrating the charge no. 4, the DA used the words *that thus instead of reporting the unauthorized loans sanctioned/dispensed by Shri Hatwaine to your higher authorities , you have put your signatures in papers related to the loans dispensed in your absence endorsing his wrong actions and to cover up his misdeeds..”*

47. Therefore, it is quite vivid and luminescent that instead of telling the charge and/or allegations, the petitioner was confronted with definite conclusion. As such, it can be concluded that the next follow up actions would be mere empty formalities.

48. Normally, no form of charge sheet is prescribed in the rules or regulations governing the field. However, it is well-ingrained proposition of law that in connection with a department enquiry, a charge sheet which is issued or framed contrary to law is liable to be interfered with and quashed. As noticed earlier, to regulate the activities relating to the disciplinary proceedings and the appeals arising therefrom, with prior sanction of the Central Government, the UCO bank framed the UCO Bank Officer Employees’ (Discipline and Appeal) Regulations, 1976 for its officers and employees.

49. The Clause 6(5)(iii) of the Regulations mandates the Disciplinary/Inquiring authority to provide a list of documents by which and

list of witnesses by whom the articles of charge are proposed to be substantiated and the clause 6(10) of that Regulations directs that Inquiring authority shall record an order that list of documents and witnesses and complete inspection of the document were provided to the delinquent.

50. Therefore, not only the principles of natural justice or its essential component of procedural fairness but the regulations in vogue also demand that list of documents and list of witnesses are to be supplied to the delinquent but in the case at hand, no list of documents and list of witnesses were appended to the charge-sheet nor did the same were provided to the petitioner.

51. Mr. Pal Choudhury strenuously contended that in the writ petition, the charge sheet has not been challenged. In the reply to the charge sheet, the petitioner took specific defence that the charge sheet was not in conformity with the Regulation 6 of the Regulations. Mr. Pal Choudhury asserted that Regulation 6 did not mandate the authority to disclose the list of documents and list of witnesses but I am unable to reconcile such claim of Mr. Pal Choudhury with the provisions of Regulation 6.

52. Mr. Ghosh argued that the petitioner sought permission to inspect the documents by presenting an application, but such permission was not accorded to him. Mr. Pal Chowdhury vehemently opposed such contention canvassed by Mr. Ghosh.

53. In the affidavit-in-opposition, a certificate issued by Manager of branch was appended to show that the petitioner inspected the documents but Mr. Ghosh expressed doubt on the authenticity of such certificate. However, the Inquiring Officer in his finding (page-52 to the affidavit-in-opposition)

observed that CSO (charge-sheeted officer) was allowed to inspect documents on 5.5.2008 and 6.5.2008. From the minutes of enquiry proceeding dated 12.05.2008, it transpires that answering a query of I.A. (Inquiring Authority), Defence Representative (DR) stated that on 6.5.2008, the DR along the CSO inspected the documents on 6.5.2008. As such, such claim that the petitioner had not been afforded opportunity to inspect the documents lacks merit.

54. Mr. Pal Chowdhury vehemently contended that the petitioner did not raise any objection against the show-cause notice and charge sheet before the Disciplinary Authority and as such, the petitioner is estopped from raising such pleas first time in this writ petition. Such contention of Mr. Pal Chowdhury gives reminder of a decision, reported at (1974)3 SCC 554 (Dilbagh Rai Jarry –vs- UOI & Ors.), in which the Hon'ble Apex Court observed that '*... the State is no ordinary party trying to win a case against one of its own citizens by hook or by crook; for, the State's interest is to meet honest claims, vindicate a substantial defence and never to score a technical point or overreach a weaker arty to avoid a just liability or secure an unfair advantage, simply because legal devices provide such an opportunity*'.

55. It goes without saying that purpose of enquiry is not somehow to establish the charge levelled against the delinquent but to unearth the truth. When any official is called up to act either as an Inquiring Authority or Disciplinary Authority, he assumed the character of an independent arbiter and as such, he is enjoined with a duty to ascertain whether the Management has been able to prove the allegations of misconduct without any pre-determined mind or notion.

56. Normally, a bank or financial institution shall take steps to recover any unpaid loans as per the procedure prescribed in the law governing the field but it is not expected that if he finds that any of its employee stood as one of the co-guarantors of a loan, it will deduct the amount from retirement benefits of such employee. In the case at hand, without taking such steps, since the petitioner's gratuity amount was lying in its hand, the bank resorted to an easy way to recover the amount by way of deducting the same from the petitioner's gratuity. There were six other co-guarantors and/or co-borrowers but the entire outstanding dues have been deducted from one of co-guarantors. No rule governing the service conditions of the bank's employees nor any provision from any Act dealing with loan recovery has been placed before me to justify such deduction. The approval of the loan and its retrieval are distinct occurrences unrelated to the petitioner's employment. Therefore, the deduction by the bank appears unjustified.

Conclusion:

57. In case at hand, the show-cause notice itself was issued in pre-conceived mind rendering all the subsequent proceedings merely a formality and in the given case, due to non-compliance of the mandatory statutory requirement of disclosure of list of documents and list of witnesses, the charge sheet is bad and as such, all the subsequent actions taken on the basis of such charge-sheet stood vitiated. The deduction of outstanding amount towards a loan/credit facility of Bhunath Dutta from the petitioner's gratuity cannot be countenanced.

Order:

- 58.** Therefore, in view of the foregoing analysis, the order of punishment and the order of the appellant authority are set aside. The respondents are directed to restore and/or revert the petitioner's pay scale to its pre-reduction stage and provide all benefits consequent to such restoration to him. The respondent no. 2 is directed to pay Rs. 1, 52,983/- i.e. the amount deducted from the petitioner's gratuity along with the interest @ 6% p.a. accrued thereon from the date of its deduction till date of actual payment thereof. The release of the benefits following the restoration of the pay scale and the repayment of the deducted gratuity with interest must be completed within three months from the date of receipt of a copy of this order.
- 59.** It is made clear that the bank shall have liberty to recover the outstanding amount towards the loan or credit facility availed by Bhutnath Dutta, who has since deceased, from his successors in accordance with law.
- 60.** With these observations and order, the writ petition and its connected application are, thus, disposed of. There shall no order as to the costs.
- 61.** Parties shall be entitled to act on the basis of a server copy of this Judgement and Order placed on the official website of the Court.
- 62.** Urgent Xerox certified photocopies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Partha Sarathi Chatterjee, J.)