

**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No.643 of 2025

Smt. Manalisa Tripura,
W/O- Shri Apu Debbarma,
Resident of Ujan Abhoynagar,
P.O. Abhoynagar, Agartala, West Tripura.

----- Petitioner(s)

Versus

1. Tripura Gramin Bank,
Represented by its Chairman,
Head Office: Abhoynagar, Agratala,
West Tripura, Pin 799005.
2. The General Manager,
Tripura Gramin Bank,
Head Office: Abhoynagar, Agartala,
West Tripura, Pin 799005
3. The Branch Manager,
Tripura Gramin Bank,
Melaghar Branch, P.O. Melaghar,
Sepahijala District.

-----Respondents

For Petitioner(s)	:	Mr. Tapas Kumar Deb, Adv, Mr. Bhaskar Debbarma, Adv.
For Respondent(s)	:	Mr. Prabir Saha, Adv.
Date of Hearing & Judgment and Order	:	22.04.2026
Whether fit for Reporting	:	NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order(Oral)

Heard Learned Counsel, Mr. T. D. Majumder
assisted by Learned Counsel, Mr. B. Debbarma appearing on
behalf of the petitioner and also heard Learned Counsel, Mr.
P. Saha appearing on behalf of the Respondent-banks.

02. The petitioner has filed this writ petition seeking the following reliefs:

(a) Issue a writ in the nature of Certiorari or any other appropriate writ, order, or direction, calling for and quashing the impugned memo dated 16.04.2024 issued vide No. TGB/HO/DSE/F.364/205-207/2024(Annexure 1 supra);

(b) Issue a writ in the nature of Mandamus or any other appropriate writ, order, or direction, directing the respondents to rescind the penalty order of removal from service dated 29.03.2025 issued vide No. TGB/HO/DSE/F/364-429/2025 (Annexure 6 of the petition supra);

(c) Issue a writ in the nature of Mandamus directing the respondents to cancel the appellate order dated 25.09.2025 issued vide No. TGB/HO/DSE/F.364-429/2025 (Annexure 8 supra) rejecting the petitioner's appeal;

(d) Issue a writ of Certiorari or any other appropriate writ quashing the penalty memo dated 29.03.2025 and the appellate order dated 25.09.2025;

(e) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

03. At the time of hearing, Learned Senior Counsel for the petitioner drawn the attention of the Court that the petitioner after completion of her education applied through IBPS and was selected for employment in Tripura Gramin Bank (hereinafter referred to as "TGB") and appointed as Assistant Manager under the respondents on 18.02.2019 and was initially posted at TGB, Office Tilla, Khowai, where she had served for there years. After that she was transferred to TGB, Durga Chowmuhani Branch and rendered unblemished service. It was further submitted that during her service period she was not imparted for any kind of credit-related training essential for effectively handling loan and advance

portfolios, despite repeated instructions normally required to equip an officer with adequate knowledge in such domains. However, while she was serving in the loan and advances, a show-cause notice was issued upon the petitioner by the respondent-bank on 01.09.2023 which contained 48 items as identified by the Inspection and Audit division. The petitioner submitted a detailed reply covering each objection, vide her representation dated 29.09.2023. After that she was again transferred to TGB, Durga Chowmuhani Branch to TGB, Melaghar Branch. Thereafter, when she was posted at Melaghar Branch, she received another communication on 16.04.2024 (Annexure-1) wherein some articles of charges were framed against her. The petitioner submitted her reply and after that she was asked to appear before the Enquiry Officer for preliminary hearing on 16.07.2024 and finally, after exhausting some other processes the Enquiry Authority submitted one report against her on 07.03.2025 holding that the petitioner is guilty of misconduct. The petitioner submitted detailed reply on 14.03.2025 and based upon the report of Enquiry Officer, the Disciplinary Authority without going into the merits of the reply found the petitioner to be guilty and passed an order for removal of the petitioner from service by communication dated 29.03.2025 (Annexure-6).

Learned Senior Counsel thereafter submitted that after the finding of the Disciplinary Authority, the petitioner preferred statutory appeal on 07.05.2025 which was received by the office of the Appellate Authority on

12.05.2025 and the period of limitation was 45 days but as the last date for filing statutory appeal i.e. the last date of 45 days was a bank holiday, so, the appeal was preferred on 46th days. But the Appellate Authority without any justified ground dismissed the appeal on the ground that the same was received after 45 days from the receipt of the final order which was contrary to the provision of Section 4 of the Limitation Act.

Learned Senior Counsel at the time of hearing referred Section 4 of the Limitation Act which provides as under:

SECTION 4 OF THE LIMITATION ACT:

4. Expiry of prescribed period when court is closed.—

Where the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the court reopens.

Explanation.—A court shall be deemed to be closed on any day within the meaning of this section if during any part of its normal working hours it remains closed on that day.

Referring the same, Learned Senior Counsel Drawn the attention of the Court that since on the last date of filing the appeal was a bank holiday, so, in view of the prescribed law he has rightly preferred the appeal on 46 days and there was no illegality on that. So, Learned Senior Counsel urged for setting aside the said communication dated 25.09.2025 and further urged before the Court to remand the matter to the Appellate Authority to hear and to dispose of the appeal in-accordance-with law. The

respondent-bank contested the writ petition by filing counter-affidavit denying the assertions of the petitioner and submitted that this present writ petition is not maintainable as the petitioner did not prefer the appeal within time.

04. However, at the time of hearing, Learned Counsel, Mr. P. Saha drawn the attention of the Court referring Regulation 49 of the Tripura Gramin Bank (Officers and Employees) Service Regulations, 2010 which provides as under:

49. Right to appeal.-(1) An officer or employee may prefer an appeal against any order passed under these regulations to the Appellate Authority mentioned in regulation 50 within a period of 45 days from the date of receipt of such order.

(2) The Appellate Authority shall decide the appeal and pass order preferably within a period of 6 months from the date of receipt of the appeal.

Referring the same, he submitted that within the statutory period the appeal was not preferred by the petitioner and as such his appeal was rightly dismissed by the board of Directors of the bank. He also drawn the attention of the Court the confidential communication dated 25.09.2025 (Annexure-8) i.e. the communication of the Appellate Authority and submitted that the Appellate Authority rightly dismissed the appeal and urged for dismissal of the writ petition as the same does not disclose any valid cause of action. Now for the same of convenience, let us reproduce herein below the relevant part of the communication dated 25.09.2025 which is as under:

TGB/HO/DAC/F 364/489/2025

Date: 25.09 2025

CONFIDENTIAL

Smi. Manalisa Tripura,
W/o Shri Apu Debbarna,
Abhoynagar (Near Hindi School),
Agartala, Pin-799005,
Tripura West

Re: - Your appeal letter dated 07.05.2025 against final order dated 29.03.2025 passed by Disciplinary Authority "Removal from service which shall not be a disqualification for future employment".

In reference to the above, this is to inform you that your appeal against the order of Disciplinary Authority, had been placed before the Appellate Authority i.e. the Board of Directors of the Bank in its 286th meeting held on 12.09.2025 vide agenda No. 32 for consideration on the final order of "Removal from service which shall not be a disqualification" passed by the Disciplinary Authority dated 29.03.2025. The final order was received by you on 29.03.2025.

Your letter of appeal dated 07.05.2025 was received by TGB HO on 13.05.2025 which was 46th day from the receipt of final order. As per Regulation 49(1) of Tripura Gramin Bank (Officers & Employees) Service Regulations, 2010 & Amendment thereafter, an Officer or Employee may prefer an appeal to Appellate Authority within a period of 45 days from the date of receipt of such final order issued by Disciplinary Authority.

After in-depth deliberation over the matter the Board declined to re-consider your appeal as it was received by the Bank after 45 days from the receipt of the final order.

This is for your information.

05. I have heard both the sides. The respondent-bank did not dispute anything regarding filing of appeal by the petitioner on 46th days and also did not dispute that the 45 days on which the period for statutory appeal expires was not a holiday although in the writ petition the petitioner did not discuss in detail everything what the Learned Senior Counsel discussed at the time of hearing. However, on perusal of the said communication dated 25.09.2025 relied upon by the respondent-bank, it appears that the appeal dated 07.05.2025 was received by TGB, Head Quarter on 13.05.2025 which was 46th day from the receipt of the final order.

Thus, it appears that the respondent-bank without considering the Section 4 of the Limitation Act simply on the basis of language used in the Regulation 49 of the Tripura Gramin Bank (Officers and Employees) Service Regulations, 2010 came to an erroneous observation that within the statutory period of 45 days, the appeal was not preferred by the petitioner, which in the considered opinion of this Court was not proper and lawful and the same needs to be interfered with. Because if the language used in Section 4 of the Limitation Act is followed then it will clearly transpire that where the period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the court reopens. Here in this matter, since from the communication of the bank itself it transpires that the appeal was received by the office on 46th day and there is no dispute from the side of the respondent-bank that the 45 days, i.e. the last day was not a holiday, so, the present petitioner rightly preferred the appeal to the Banking Authority on the 46th days but the Banking Authority without considering the legal aspect dismissed the appeal violating the principles of natural justice. As such the matter requires to be reheard by the Statutory Appellate Authority afresh.

06. In the result, the writ petition filed by the present petitioner is hereby allowed. The communication dated 25.09.2025 issued by the GM, TGB is hereby set aside. The matter is remanded/remitted back to the Appellate Authority

to rehear the Statutory Appeal of the petitioner in-
accordance-with law and thereafter, to deliver a fresh
judgment/order preferably within a period of four months
from the date of receipt of the copy of this judgment/order.

With this observation, this writ petition stands
disposed of.

Pending application(s), if any, also stands
disposed of.

JUDGE



Purnita