

D/L- 185
07/04/2026
Ct. No.-19
Aritra

WPA 5331 of 2025

**The Mugberia Central Co-operative
Bank Ltd.**

Vs.

The State of West Bengal & Ors.

Mr. Pabitra Charan Bhattacharjee, Sr. Adv.
Mr. Sovan Nayak

....for the petitioner

Mr. Syed Nasirul Hossain

....for the State

Mr. Srijan Nayak
Mr. Ankit Sureka
Mr. Biplob Das

....for the respondent No.4

The respondent No.3 took a loan from the petitioner/Central Co-operative Bank for the purpose of construction of a dwelling house. An agreement as contemplated under Section 59(1) of the West Bengal Co-operative Societies Act, 2006 has been executed by and between the parties.

The respondent No.3 is an employee under the Block Medical Officer of Health Mugberia Block Primary Health Centre at Bhupatinagar Mugberia Rural Hospital being the respondent No.2. The respondent No.3 defaulted in paying the monthly installments and the petitioner/bank claims that a sum of Rs.1254889/- is lying due and recoverable from the respondent No.3.

The petitioner submitted an application before the Block Medical Officer of Health by a letter dated April 27, 2023.

Mr. Bhattacharjee, learned senior advocate appearing for the petitioner submits that in spite of receipt of such letter, the respondent No.2 have not taken any steps in terms of Section 59(2) of the West Bengal Co-operative Societies Act, 2006.

In spite of service none appears for the respondent No.3.

The learned advocate appearing for the State submits that necessary steps in accordance with the provisions of the relevant statute shall be taken.

Since there exists an agreement in terms of Section 59(1) of the 2006 Act and the petitioner claims that a certain amount on account of loan advanced by the petitioner to the respondent No.3 is lying due and recoverable, this Court directs the Block Medical Officer of Health Mugberia Block Primary Health Centre at Bhupatinagar Mugberia Rural Hospital being the respondent No.2 to make the deduction in accordance with the agreement and pay the amount to the Co-operative Society within 15 days from the date of such deduction.

After making deduction from the monthly salary, if certain sum of money would still remain due and recoverable from the respondent No.3, the respondent No.2 shall deduct the same from the retiring gratuity or death gratuity as the case may be and to pay the same to the petitioner/bank immediately upon the making such deduction within 15 days from such deduction.

With the above observation and directions, WPA 5331 of 2025 stands disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)