

CRR 4078 of 2024

UCO Bank & ors.
Vs.
Nirbhay Lodh

Sr. Adv. Milon Mukherjee,
Adv. Ayan Bhattacharyya,
Adv. Shounak Mondal,
Adv. Sourjya Roy,
Adv. Manika Ray,

...for the petitioners.

Adv. Mitul Chakraborty,
Adv. Ranjan Kali,
Adv. Payel Nath,

...for the OP.

Since the opposite party is represented, the petitioners are directed to serve copy of the application along with annexure thereto upon the learned counsel for the opposite party in course of this day.

Learned counsel for the petitioners submits that the opposite party was an employee under them and by an order dated 10th May, 2007, the penalty of dismissal from bank's service was directed on account of misconduct and lack on integrity and honesty on his part being substantiated. The said order was assailed by the opposite party before this Court and by an order passed on 1st October, 2015, the order passed by the Bank authorities was set aside. The petitioners approached the Hon'ble Division Bench of this Court assailing the said order and vide order passed on 27th June, 2023 in MAT 8 of 2016, the order of the Hon'ble Single Bench was affirmed. The petitioners approached the Hon'ble Supreme Court in SLP (Civil) Diary no. 40196 of 2023 assailing the order of the Hon'ble Division Bench and in view of caveat lodged by the opposite party, the judgment impugned was stayed by the Hon'ble Court and the matter listed to be heard upon affidavits.

Learned counsel for the petitioners submits that pendency of the matter before the Hon'ble Supreme Court has been suppressed by the opposite party before the learned trial Court. The primary allegation of the opposite party is non-disbursal of his provident fund dues which, under no circumstances, can be termed as an offence under Sections 420/406 of the Indian Penal Code.

It appears from material on record that the matter needs to be heard on merits.

Let the matter appear under the heading 'Contested Application' on 29th November, 2024.

Further proceeding of Complaint case no. 128 of 2024 pending before the learned Judicial Magistrate, 18th Court, Calcutta be stayed till 24th December, 2024 or until further orders, whichever is earlier.

(Suvra Ghosh, J.)