

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5330 OF 2006

(@ SLP(C)No.8182 OF 2003)

INDIAN BANK & ORS.

APPELLANT(S)

VERSUS

ASHOK BHATTACHARYA

RESPONDENT(S)

O R D E R

Leave granted.

The respondent is an employee of the appellant Bank. There

was an allegation against the respondent that he opened fictitious

accounts and diverted funds from other accounts, thus mis-

appropriated funds. He was charged in a criminal case and the same is

pending. Simultaneously, the Bank had taken departmental

proceedings and by the impugned order the High Court held that the

departmental proceedings cannot be continued for the time being in

view of the pendency of the criminal proceedings. This is under challenge before this Court.

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Heard both sides.

Having regard to the facts and circumstances of the case, we

direct that in case the trial is not concluded within a period of one

year, the appellant Bank would be at liberty to proceed with the

departmental proceedings against the respondent in accordance with

law.

We request the Metropolitan Magistrate, 5th Court at Calcutta

to dispose of the criminal case pending before it within a period of one

year.

The appeal is disposed of accordingly. No costs.

....J.

.....

(K.G. BALAKRISHNAN)

...J.

.....

(D.K. JAIN)

NEW DELHI ;

1ST DECEMBER, 2006

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ITEM NO.201

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8182/2003

(From the judgement and order dated 03/10/2002 in FMAT No. 4174/2001 of The  
HIGH COURT OF CALCUTTA)

INDIAN BANK AND ORS.

Petitioner(s)

VERSUS

ASHOK BHATTACHARYA

Respondent(s)

(With appln(s) for permission to file rejoinder affidavit and prayer for  
interim relief

and office report )

(FOR FINAL DISPOSAL)

Date: 01/12/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr.D.K.Garg, Adv.

Dr.Bheem Pratap Singh, Adv.

Ms.Manjoo Ahmad, Adv.

Mr.V.K.Rao, Adv.

Mrs. Madhu Sikri,Adv.

Mr.Saket Sikri, Adv.

Ms.Nidhi Bisaria, Adv.

For Respondent(s)

Mr.U.U.Lalit, Sr.Adv.

Ms.Rukhsana Choudhary, Adv.

Ms. Sumita Hazarika,Adv.

UPON hearing counsel the Court made the following

O R D E R

Permission to file rejoinder affidavit granted.

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Leave granted.

Heard both sides.

The appeal is disposed of in terms of the signed order with no costs, in terms of the signed order.

(G.V.Ramana)

Court Master

(Veera Verma)

Court Master

(Signed order is placed on the file)