

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No. 42 of 2015

IN

LPA No. 1321 of 2014

- =====
1. Bihar Kshetriya Gramin Bank, Head Officer Bhagat Singh Chyowk, Munger, through Board of Directors
 2. Chairman, Bihar Kshetriya Gramin Bank, Head office Bhagat Singh Chyowk, Munger, District- Munger, Bihar
 3. Sri Jawed Wahad, Enquiry Officer, Bihar Kshetriya Gramin Bank, Regional office, Lakhisarai

.... Appellant

Versus

1. The State of Bihar
2. Narendra Kumar Singh, son of Late Bishun Deo Singh, at present, resident of Paharpur, Haweli Kharagpur, Police Station Kharagpur, District Munger

.... Respondents

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Appearance :

For the petitioners : Mr. Ranjeet Kumar Pandey, Advocate
For the Respondents : Mr. Sunil Kumar, Advocate
Mr. Ranvijay Narain Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE. JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 06 -11-2015

Heard Mr. Ranjeet Kumar Pandey, learned Counsel, appearing on behalf of the review petitioners, and Mr. Ranvijay Narain Singh, learned Counsel, appearing on behalf of the Opposite Parties.

With the help of this review petition, the petitioners, who were respondents in the appeal, have submitted to the effect, *inter alia*, that while setting aside and



quashing the impugned enquiry report, dated 09.08.2011, and the impugned order, dated 30.09.2011, passed by Chairman, Bihar Kshetriya Graming Bank, Head Officer, Munger, dismissing from service respondent No. 2, Narendra Kumar Singh, this Court did not grant any liberty to the Disciplinary Authority to proceed with the disciplinary proceeding, though the challenge to the dismissal was on the ground that the Enquiry Officer was of the same rank as the petitioner, while, in terms of the relevant Rules, the Enquiry Officer ought to be a person of higher rank than the delinquent or the person proceeded against.

We find force in the submissions made on behalf of the petitioner. In fact, it is not even disputed, on behalf of the writ petitioner-respondent No. 2, that having set aside the order of dismissal of the writ petitioner-respondent No. 2, the Disciplinary Authority should have been given the liberty to proceed with the enquiry in accordance with law.

We, therefore, make it clear that notwithstanding the fact that the enquiry report, dated 09.08.2011, and the impugned order, dated 30.09.2011, imposing penalty of dismissal from service have been set aside and quashed, the review petitioner, i.e., the Disciplinary Authority, would remain at liberty to continue with the disciplinary proceeding in accordance with law and bring the same to its logical

conclusion.

With the observations and directions
aforementioned, the review petition shall stand disposed of.

However, there will be no order as to costs.

(I.A. Ansari, ACJ.)

(Anjana Mishra, J.)

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