

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6184 of 2015

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Ajit Singh son of late Bhekh Narayan Singh resident of village and P.O.-
Barun, P.S. and Distt.- Aurangabad

.... Petitioner

Versus

1. The General Manager Cum Appellate Authority, The Punjab National Bank, Head Office, New Delhi
2. The Deputy General Manager-cum-Disciplinary Authority, Punjab National Bank, Circle Office, F.G.M.O., R.Block Chankya Place, Patna
3. The Chief Head District Manager, cum Enquiring authority P.N.B. Nawadah, Distt.- Nawada
4. The Sr. Manager-cum-presenting authority, PNB, Branch Office, Lakhisarai, Distt.- Lakhisarai
5. The Chief Manager, P.N.B., Lakhisarai, Distt.- Lakhisarai
6. The Sr. Manager, P.N.B., Itmaha, Arrah Circle, Distt.- Arrah

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.

For the Respondent/s : Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-04-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application reads
as follows:

“ For direction to concerned respondent authorities for
revocation of the suspension order dated 16.6.2012 that
stands revoked after imposing major penalties of
reduction of lower grade i.e. MMG Scale- III to JMG
Scale-I under regulation 4(g) of Punjab National Bank
Officer Employee (D & A) Regulations, 1977 vide order
dated 22.11.2014 issued by the respondent no.2 and for
staying the order imposing major punishment dated
22.11.2014 till disposal of the pending appeal before
respondent no.1 and further for directing to pay

subsistence allowance by refraining authority concerned from deducting the same in loan amount and payment of hospitalization claim and by directing to disposal of the appeal expeditiously within a reasonable time.”

Learned counsel for the petitioner has submitted that even when the order of punishment was passed on 22.11.2014 which at present is subject matter of an appeal filed by the petitioner, his order of suspension dated 16.6.2012 has not been revoked.

This Court would find it difficult to accept such submission for a simple reason that the order of suspension against the petitioner dated 16.6.2012 itself had clearly mentioned that such suspension was pending investigation/ departmental enquiry. Thus, when the order of punishment was passed on 22.11.2014 the departmental enquiry had come to an end and the order of suspension dated 16.6.2012 would be deemed to have merged with the order of punishment. As a matter of fact the petitioner himself in prayer portion has accepted that the order of suspension stands revoked but then wants a declaration from this Court for revocation of suspension order.

Be that as it may, this Court will have no difficulty in holding that such suspension of the petitioner in absence of any criminal case against him will be deemed to have come to an end

on the date of passing of the impugned order of punishment dated 22.11.2014.

As with regard to the grievance of non-payment of subsistence allowance and medical allowance during the period petitioner was facing departmental proceeding, this Court will not like to make any observation keeping in view that an appeal against the order of punishment is still pending. Such appeal, however, having been filed by the petitioner on 6.1.2015, this Court would expect the appellate authority to dispose of the appeal of the petitioner expeditiously, preferably within a period of four months from the date of receipt of this order without being in any way prejudiced on account of filing and disposal of this writ application.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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