

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12429 of 1999

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Mithilesh Kumar Sahay, Son of Shri Anjani Kumar Prasad, Kashwa Mehashi, P.S.-
Mehashi, District-East Champaran.

.... **Petitioner/s**

Versus

1. The Champaran Kshetriya Gramin Bank, through its Chairman, Head Office,
Motihari, District-East Champaran.
2. The Board of Directors, Champaran Kshetriya Gramin Bank, Head Officer
Motihari, District-East Champaran.
3. The General Manager, Champaran Kshetriya Gramin Bank, Head Officer
Motihari, District-East Champaran.

.... **Respondent/s**

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Appearance :

For the Petitioner/s : Mr. R.N. Mukhopadhaya, Advocate

For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 19-05-2015

Heard learned counsel appearing on behalf of the
parties.

2. The petitioner is aggrieved by the decision of a
Board, constituted by Champaran Kshetriya Gramin Bank,
Motihari, East Champaran (now North Bihar Gramin
Bank) [hereinafter referred to as the 'Bank'] for disposing of
appeals relating to disciplinary action dated 12.08.1999,



which has been communicated to the petitioner vide letter dated 14.10.1999, whereby, the petitioner's appeal against the order of the Disciplinary Authority, i.e., Chairman of the Bank, imposing upon the petitioner punishment of dismissal from service, has been rejected.

3. Without going into the merits of the charges levelled against the petitioner and other details given in the writ application as well as in the counter affidavit, this is to be indicated that there is statutory appeal provided against the order of the Chairman of the Bank, imposing punishment upon an employee of the Bank. By an order dated 24.07.1998, the Chairman-cum-Disciplinary Authority of the Bank imposed upon the petitioner, punishment of dismissal from service when the petitioner was working as an officer in the Bank. Aggrieved by the order of the Chairman, the petitioner had preferred an appeal before the Appellate Authority.

4. From the letter dated 14.10.1999, through which the decision as regards rejection of petitioner's appeal has been communicated; it appears that the Bank had constituted a Board for the purpose of disposal of the appeals against disciplinary actions taken against an

employee of the Bank. Following is the decision of the said Board while acting as an Appellate Authority:-

“श्री सहाय के अपील की गहन रूप से विचार विमर्श नव गठित बोर्ड की समीति द्वारा की गयी । सारे विषयों का ध्यान में रखते हुए श्री एस. के. सहाय के बखस्तिगी के निर्णय जो अनुशासकीय अधिकारी ने लिये हैं उसको उचित ठहराया एवं अपील का निष्पादन किया गया ।”

5. There is absolutely no discussion as regards the points which the petitioner had taken in his memo of appeal against the order of dismissal. There is no discussion as to why such points were not acceptable by the Appellate Authority. It appears from the impugned order passed by the Appellate Authority that a mere formality was done while disposing of the petitioner's appeal against the order of dismissal. The decision of the said Board dated 12.08.1999, communicated to the petitioner through letter dated 14.10.1999 (Annexure-1) cannot be sustained being non-speaking. The decision dated 12.08.1999 is, accordingly, set aside.

6. The matter is remitted back to the concerned Appellate Authority to pass an order afresh. The Appellate Authority will be required to consider all the points raised by the petitioner in his memo of appeal and

will be obliged to assign reasons, if the Board does not agree with the points taken by the petitioner in the said appeal. The Appellate Authority will be required to take a final decision within a period of three months from the date of receipt/production of a copy of this judgment.

7. It is stated at the bar that the Kshetriya Gramin Bank, Motihari, East Champaran has since merged in Uttar Bihar Gramin Bank; the Appellate Authority of the successor Gramin Bank will be required to pass a final order in the light of the present order of this Court.

8. This application is, accordingly, allowed.

9. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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