

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19075 of 2010

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Kamal Sheel, G.P.F. No. 23459 S/O Shri Gangadhar, Advocate Mohalla-Khojasarai, At and P.O.- Laheriasarai, Distt.- Darbhanga (Bihar)

.... Petitioner/s

Versus

1. The United Bank of India through the Chairman-Cum-Managing Director Head Office-16, Old Court, House Street, Kolkata
2. The Chairman-Cum-Managing Director Union Bank of India, Head Office-16, Old Court, House Street, Kolkata
3. The Chief Manager (G.P.F. & Staff Pension) Staff Pension Department, United Bank Of India, Head Office 16, Old Court, House Street, Kolkata
4. The Assistant General Manager (Economic Research Appellate Authority) United Bank Of India, Head Office, Kolkata
5. The Deputy General Manager (Personnel) United Bank Of India, 11, Hemant Babu Sarai, Kolkata
6. The Chief Regional Manager United Bank Of India, Bihar Regional Office, 2nd Floor, Abhay Bhawan, Frazer Road, Patna-1
7. The Regional Manager United Bank Of India, Bihar Region, 2nd Floor, Abhay Bhawan, Frazer Road, Patna
8. The Branch Manager United Bank Of India, Darbhanga Branch, Tower Chowk, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 24-06-2015

No one appears on behalf of the petitioner.

2. In this writ application, the petitioner has assailed the order of punishment of his compulsory retirement benefit from service pursuant to a departmental proceeding dated 18.06.2004. As a matter of fact, the petitioner had earlier also moved this Court against the aforesaid order and the appellate order. This Court, having found that the appeal of the petitioner was rejected on the



ground of limitation, had quashed the appellate order and remitted the matter back to the appellate authority vide an order dated 31.07.2008 in C.W.J.C. No. 2092 of 2006. Thereafter, the appellate authority has passed a fresh order dated 18.03.2009, which has been assailed in this writ application along with the original order of punishment dated 18.06.2004 read with order dated 24.06.2004.

3. This Court has carefully perused the materials on record including the memo of charge, inquiry report, orders of the disciplinary authority and the appellate authority and it does not find any procedural error in the departmental proceeding. The charges against the petitioner of remaining unauthorisedly absent for 667 days in six different phases in the period from 23.03.1995 to 23.11.2002 by exceeding the period of 30 days, had been categorically proved. In fact, it was also the part of the charges that the petitioner during the period of 01.04.1993 to 23.11.2002 had remained unauthorisedly absent from duty for a total period of 2616 days.

4. Both the disciplinary authority and the appellate authority had found that such absence was only unauthorized inasmuch as the petitioner, though claiming to be ill, had never been sanctioned any medical leave. The appellate authority, in



fact, has also closely examined the record of departmental proceeding and has found that despite service of notice about the dates of hearing of the departmental proceeding, the petitioner did not participate in the departmental proceeding and as such an ex parte departmental proceeding had been conducted in course of which 27 documents apart from oral evidence of three management witnesses were produced by the Presenting Officer. On the basis of such oral and documentary evidence, the Inquiry Officer had found the charges against the petitioner to be fully proved. The petitioner even thereafter was given copy of the inquiry report and his explanation was taken into consideration while passing the order of punishment. The appellate authority also in his 9 pages written order has gone virtually on each and every aspect raised by the petitioner in the memo of appeal and I do not find any infirmity in the same.

5. As a matter of fact, when this writ application was filed in the year 2010, the petitioner had already completed 61 years of age. The order of compulsory retirement of the petitioner, in fact, has awarded him full pension and other retirement benefits and, therefore, no useful purpose would be served now in going to any other question specially when, as noted above, there is no infirmity in the procedures adopted in the departmental

proceeding.

6. That being so, this writ application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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