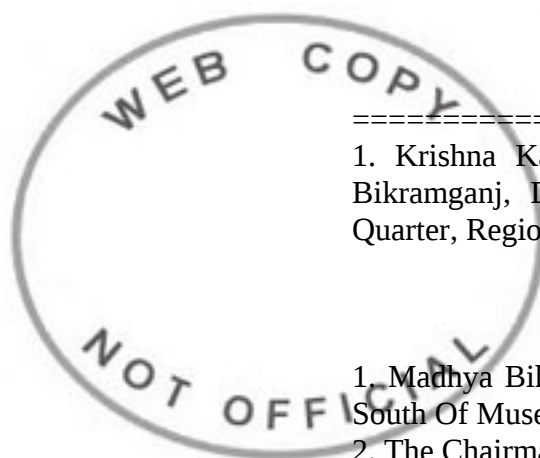




IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1388 of 2012
IN
Civil Writ Jurisdiction Case No. 612 of 2012**

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1. Krishna Kant Mishra S/O Late Jagdish Mishra R/O Indrath Khurd, P.S.-
Bikramganj, District- Rohtas, At Present Working As Scale-Ii Officer, Head
Quarter, Regional Officer, Madhya Bihar Gramin Bank, Ara

.... Appellant/s

Versus

1. Madhya Bihar Gramin Bank Through Its Chairman Head Office, Mina Plaza,
South Of Museum, Patna-1
2. The Chairman, Head Office Mina Plaza, South Of Museum, Patna-1
3. Regional Officer, Madhya Bihar Gramin Bank, Aurangabad

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. MANINDRA KISHORE SINGH

For the Respondent/s : Mr. MAHESH NARAYAN PARBAT

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 07-04-2015

Heard learned counsel for the appellant and learned Senior
Counsel for the Madhya Bihar Gramin Bank and with their consent the appeal
was taken for final disposal at this stage itself.

The appellant was the writ petitioner and challenged the order of
punishment as imposed by the disciplinary authority and not interfered in
appeal. He had challenged that withholding stagnation pay with accumulative
effect was a major punishment and that being so, charges ought to have been
framed and noticed accordingly, issue for a major penalty and not having been
done, there was procedural infirmity denying him natural justice.

Learned single Judge has gone through the facts and the law and
we do not intend to take a different view in the matter. Learned single Judge has

noted that the delinquency is of the year prior to 2011 when the old Rules [Madhya Bihar Gramin Bank (officers and Employees) Service Regulation, 2006] were applicable. The proceedings were initiated under the old Rules. Regulation 38 whereof clearly provided that withholding of stagnation pay with accumulative effect was a minor punishment. If that were so, then, the procedure was different and the procedure undoubtedly, has been accordingly followed. It is only under the 2010 Rules, after these proceedings have already been initiated under the old Rules, that withholding of increment with accumulative effect was amended and brought in as a major punishment. Thus, in our view, learned single Judge did not err in dismissing the writ petition. We also accordingly, dismissed the appeal.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

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