

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4563 of 2015

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Nirmal Kumar Gupta s/o late Babuli Prasad Gupta, resident of Mohalla
Station Road Near New Thana Dumraon P.S. Dumraon, District Buxar.

.... Petitioner/s

Versus

1.The Madhya Bihar Gramin Bank through its's Chairman, Head Office
Meena Plaza south of Museum P.S. Kotwali, Townd & District Patna.

2.The Chairman cum Disciplinary Authority, Madhya Bihar Gramin Bank,
Head Office Meena Plaza south of Museum, P.S. Kotwali Town & District
Patna.

3.The General Manager, Human Resources Development Department,
Madhya Bihar Gramin Bank Head Office Meena Plaza south of Museum
P.S. Kotwali Town & District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Respondent/s : Mr. Prashant Ved Sen, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 25-03-2015 Heard learned counsel for the parties.

2. Having regard to the fact that the petitioner in this writ application has assailed the order of punishment as affirmed by the appellate authority and this Court on perusal of the order of the appellate authority would find that there is absolutely no independent application of mind on any of the issues raised by the petitioner in his memo of appeal it cannot sustain such cryptic and non-speaking impugned appellate order.

3. Mr. Prashant Ved Sen, learned counsel



appearing for the Madhya Bihar Gramin Bank, Patna though had tried to defend such non speaking appellate order but having ultimately found that the entire appellate order deals with the case of the petitioner as presented before him by the inquiry officer or by the disciplinary authority or findings recorded by the inquiry officer or the findings recorded by the disciplinary authority as well as point raised by the petitioner in his memo of appeal he cannot justify the same by proving it be a speaking appellate order.

4. By now it is well settled that though the appellate authority is not required to record an elaborate order where in fact he agrees with the finding of the inquiry officer or disciplinary authority, but then in this case the impugned appellate order is wholly without independent application of mind inasmuch the only portion of the appellate order to show application of mind is reflected from its one sentence which reads as follows:-

“Observation And Decision of the Board.

NOW THEREFORE after considering all the facts and related documents of the case as discussed above and also in the light points raised in his appeal, the appellate board finds no merit in the appeal filed by the delinquent employee.”

5. Can there be a better non speaking order by the appellate authority ?

6. In that view of the matter, this Court would quash the appellate order and remit the matter back to the appellate authority to reconsider the memo of appeal and pass a fresh reasoned order after considering the issues raised by the petitioner in his memo of appeal.

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

(Mihir Kumar Jha, J)

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