

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8831 of 2015

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Sonu Kumar Son of Mr. Ashok Kumar Resident of Mohalla- Shakti Nagar
Road No. 1, Kurji Balupar, P.O. - Sadaquat Ashram, District- Patna.

.... Petitioner/s

Versus

1. The Bihar Gramin Bank through the General Manager, Head Office ,
Gramin Bank Chowk , North HFC, N.H.-31, P.O.- Bihat, P.S.- Bihat,
District- Begusarai.
2. The General Manager, Bihar Gramin Bank , Head Office, Gramin Bank
Chowk, North HFC, N.H. - 31, P.O.- Bihat, P.S.- Bihat, District-
Begusarai.
3. The Regional Manager, Bihar Gramin Bank Regional Office, Sona
Jageshwar Complex, Near Savitri Cinema Hall, P.S.- Begusarai Sadar,
District - Begusarai.
4. The Senior Manager, Personnel Administrative Department , Bihar
Gramin Bank, Gramin Bank Chowk, North HFC, N.H.- 31, P.O.- Bihat,
P.S.- Bihat, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Adv.

For the Bank : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 26-06-2015 Heard learned counsel for the parties.

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

- "1(a) *For quashing the show cause notice dated
28.05.2015 issued under the signature of the
respondent no.2 subsequent to submission of
resignation by the petitioner letter dated
02.04.2015 followed by submission of other
resignation letters dated 20.04.2015 and
22.05.2015, whereby the petitioner has been
asked to submit a show cause in reference to the
alleged unauthorized absence since 18.05.2015.*
- (b) *For a direction to the respondents to accept the*

resignation of the petitioner forthwith enabling him to join Madhya Bihar Gramin Bank where he has been offered appointment as Middle Management Grade Scale-II, after being successful in the written examination as well as in interview."

While this Court is not inclined to entertain this writ petition as against the show-cause notice for a simple reason that the order of transfer against the petitioner was passed on 12.5.2015 and he had had to join the place of posting by 19th of May, 2015 whereas the alleged resignation was submitted by him on 22.5.2015 and, as such, the employer Bank had every reason to proceed against the petitioner for disobedience of the order of transfer. That in fact is the purport of the show-cause notice and thus when learned counsel for the petitioner has submitted that the petitioner also has filed a show-cause reply. This court must had that the present writ application to be both ill advised and misconceived.

In that view of the matter, this Court would only direct the competent authority of the Bank to take necessary decision on the show-cause reply of the petitioner preferably within a period of one month from the date of receipt of a copy of this order and if the cause shown by the petitioner is accepted, the authority will also take further decision on the resignation submitted by the

petitioner on 22.5.2015.

It however goes without saying that the fate of the acceptance of the resignation, will depend squarely on the decision taken by the Bank on the show-cause reply filed by the petitioner to the impugned show-cause notice.

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

(Mihir Kumar Jha, J)

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