

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4908 of 2008

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Parmanand Choudhary, son of late Chandradeo Choudhary, resident of at
Manik Sarkar Chauk, Ghat Road Lane-8, P.S. Adampur, District Bhagalpur
.... Petitioner

Versus

1. The Bihar Kshetriya Gramin Bank, through its Chairman, Bhagat Singh Chowk, Munger
2. The Chairman cum Disciplinary authority, Bihar Kshetriya Gramin Bank, Bhagat Singh Chowk, Munger
3. The Board of Directors cum Appellate authority, Bihar Kshetriya Gramin Bank, Bhagat Singh Chowk, Munger
4. The General Manager, Bihar Kshetriya Gramin Bank, Bhagat Singh Chowk, Munger
5. The Inquiry Officer, Bihar Kshetriya Gramin Bank, Munger
6. The Branch Manager, Bihar Kshetriya Gramin Bank Mehus, P.s. Mehus, District Sheikhpura
7. The Bihar Gramin Bank, through its Chairman, Begusarai
8. The chairman cum Disciplinary authority Bihar Gramin Bank, Begusarai
9. The Board of Directors cum Appellate authority, Bihar Gramin Bank, Begusarai
10. The General Manager, Bihar Gramin Bank, Begusarai
11. The Enquiry Officer, Bihar Gramin Bank, Begusarai
12. The Branch Manager, Bihar Gramin Bank, Begusarai Branch Mehus, P.s. Behus, District Sheikhpura

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary
For the Respondent/s : Mr. Asim Jha
Mr. Abhinav Shrivastava

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

14 29-07-2015 This Court has carefully perused the materials on record including the order of punishment and the appellate order. There does not seem to be any procedural infirmity in course of departmental enquiry. The order of the disciplinary authority, therefore, cannot be faulted, especially when the petitioner has not assailed the same on any specific ground.

The issue raised by the petitioner that the appellate order is bad on account of bias because the disciplinary authority had also become party in deciding of the appeal as raised in paragraph no.34 of the writ application reading as follows:

“34. That it would not be in appropriate to state herein that the Chairman cum Disciplinary Authority passed the final order and awarded punishment to the petitioner and when the petitioner assailed that order before the appellate authority, the Board of Directors, the Chairman of the Bank presided over the meeting of Board of Directors as one of the member of the Board of Directors acts as Chairman. This is the violation of principles of natural justice.”

has also been answered by the respondents in paragraph no.47 of the counter affidavit in the following terms:

“47. That the statement made in paragraph no.34 of the writ petition under reply are vehemently denied, it is once again reiterated here that the appeal filed by the petitioner was placed before the Appellate Authority of the Bank in the 14th Board meeting of the Bank held on 13.2.2007, the Appellate Authority comprising of the Directors, excluding the Chairman (since the Chairman was the Disciplinary Authority), carefully examined the appeal preferred by the petitioner and after due deliberations upheld the order passed by the Disciplinary Authority of the Bank, the Chairman of the Bank did not even participate in the said meeting on this issue.”

In that view of the matter, even the appellate order on account of non-participation of the Chairman cum disciplinary authority cannot be said to be bad.

Thus, this Court does not find any merit in this application and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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