

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17691 of 2014**

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Kanhaiya Yadav, son of Late Ram Balak Yadav, resident of village -  
Nawada, Police Station -Siswan, District - Siwan

.... .... Petitioner

Versus

1. The Central Bank of India, through the General Manager, Central Office,  
Chander Mukhi, Nariman Point, Mumbai - 400021
2. The Assistant General Manager, Central Bank of India, Regional Office,  
Siwan, Near Head Post Office, Siwan
3. The Disciplinary Authority - cum - Regional Manager, Central Bank of  
India, Near Head Post Office, Siwan

.... .... Respondents

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**Appearance :**

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

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

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2      21-07-2015                      Heard learned counsel for the petitioner and Sri Ajay  
  
Kumar Sinha, learned counsel, who has appeared on behalf of  
  
Respondent/ Central Bank of India.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the Respondents to reinstate him from the stage when in the reconciliation proceeding, the representative of the Bank first appeared. The dispute was raised by the petitioner during pendency of the departmental proceeding initiated against him by the Bank that certain relevant documents were not provided to the petitioner. In the reconciliation proceeding, notice was issued and pursuant to notice, the representative of the Bank appeared and on

his request the proceeding was adjourned.

After appearance within one or two days, final order of termination of the petitioner from the Bank service was passed by the Bank. The petitioner was Class-III employee in the Central Bank of India.

Learned counsel for the petitioner fairly submits that since the action of the Bank was in violation of Section 33 of the Industrial Dispute Act, the petitioner approached the Tribunal for initiating penal action against the Bank for violation of conciliation proceeding. He further submits that the petitioner in respect of the relief has also filed a suit before the Civil Court, Siwan. However, learned counsel for the petitioner submits that he has advised his client to withdraw the suit.

Sri Ajay Kumar Sinha, learned counsel for the Bank, keeping in view the fact that the proceeding under Section 31 of the Industrial Dispute Act has already been initiated and is already pending, it would not be appropriate to interfere in the matter. The matter can be left open to be adjudicated by the Industrial Tribunal, where the proceeding under Section 31 of the Industrial Dispute Act is pending.

In view of the facts and circumstances, particularly the fact that once the proceeding under Section 31 of the Industrial

Dispute Act has already been initiated and the same is pending, it would not be appropriate for this Court to pass any positive order in the present writ petition.

It goes without saying that whatever the result may come in the proceeding before the Tribunal, same would be binding on the parties, subject to remedy as available to the parties.

The writ petition stands disposed of.

**(Rakesh Kumar, J)**

NKS/-

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