

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2489 OF 2002

Mahadeo S/o Sitaram Bacche,
Age : 47 years, Occu: Nil,
R/o Phule Nagar, Ardhapur,
Taluka Ardhapur, Dist. Nanded.

.. **Petitioner**

Versus

Marathwada Gramin Bank,
Shivaji nagar, Nanded,
Through it's chairman (deleted)

1) Chairman, Maharashtra Gramin Bank,
Canot place, town center, Terkar Complex,
Cidco, Aurangabad – 431 003.

2) Bank of Maharashtra,
'Lok Mangal', Shivaji Nagar, Pune,
through its Chairman.

.. **Respondents**

Mr Pradip Deshmukh, Advocate for the petitioner
Mr Pradeep Shahane, Advocate for respondent No. 1

ALONG WITH

WRIT PETITION NO. 2409 OF 2003

Shri. Ashok S/o Sonabaraao Pawar,
Age : 44 years, Occ. At present Nil,
R/o Sahyog Nagar, Kalamnuri,
Tq. Kalamnuri, Dist. Hingoli.

.. **Petitioner**

Versus

1. Marathwada Gramin Bank,
Head Office, Shivaji nagar,

Nanded - 431602
Through Disciplinary Authority and Chairman

2. The State of Maharashtra.

3. Union of India.

.. Respondents

Mr Anil Golegaonkar, Advocate for the petitioner
Mr Pradeep Shahane, Advocate for respondent No. 1

ALONG WITH

WRIT PETITION NO. 5336 OF 2002

Satish S/o Trimbakrao Deshmukh,
Age : 38 years, Occ. Nil,
R/o Nanded, At Post Shirpur (Jain),
Taluka Malegaon, District Washim.

.. Petitioner

Versus

The Marathwada Gramin Bank,
Shivaji Nagar, Nanded,
Through it's chairman (deleted)

1) Chairman, Maharashtra Gramin Bank,
Canot place, town center, Terkar Complex,
Cidco, Aurangabad - 431 003.

2) Bank of Maharashtra,
'Lok Mangal', Shivaji Nagar, Pune,
through its Chairman.

.. Respondents

Mr Pradip Deshmukh, Advocate for the petitioner
Mr Pradeep Shahane, Advocate for respondent No. 1

**CORAM : A.V. NIRGUDE &
V. K. JADHAV, JJ.**

DATED: JANUARY 19TH, 2015

ORAL JUDGMENT : [PER A. V. NIRGUDE, J.]

1. These three writ petitions can be disposed of by this common judgment and order. The petitioners were working as Officers of Marathwada Gramin Bank. Charge-sheets were filed against them in the year 1998, and after due enquiry, they were found guilty and then the Disciplinary Authority dismissed them from the services. As against this, they filed Departmental Appeals, which were supposed to be heard and decided by the Board of Directors. The Board of Directors decided the said appeals on 22nd February, 2002 and 4th September, 2002, respectively. The Board passed orders as Resolution on Items No. 36, 38 and 48 which read as under :

Item No. 36 : - Appeal against the punishment awarded to Shri. M. S. Bacche.

Resolution : The Chairman being Disciplinary Authority left the meeting and Shri. B. R. Shirsat, NABARD, Nominee Director, presided over the proceedings.

The Board perused the contents of the appeal of Shri. M. S. Bacche along with entire enquiry proceedings/arguments of both the parties, record and other relevant papers/documents thoroughly and after discussing resorted to dismiss/turn down the appeal filed by Shri M. S. Bacche.

Item No. 38 : - Appeal against the punishment awarded to Shri. S. T. Deshmukh.

Resolution : The Chairman being Disciplinary Authority left the meeting and Shri. B. R. Shirsat, NABARD, Nominee Director, presided over the proceedings.

The Board perused the contents of the appeal of Shri. S. T. Deshmukh, along with entire enquiry proceedings/arguments of both the parties, record and other relevant papers/documents thoroughly and after discussing resorted to dismiss/turn down the appeal filed by Shri. S. T. Deshmukh.

Item No. 48 :- Appeal against the punishment awarded to Shri A. S. Pawar.

Resolution : The Chairman being Disciplinary Authority left the meeting and Shri P. B. Ambhore, Sponsor Bank Nominee Director, presided over the proceedings.

On request by the appellant, Board allowed him for personal appearance before it.

The Board heard him and perused the contents of the appeal of Shri A. S. Pawar, alongwith entire enquiry proceedings/arguments of both the parties, record and other relevant papers/documents thoroughly and after discussing resolved to dismiss / turn down the appeal filed by Shri A. S. Pawar.

2. The learned Counsel for the petitioners assailed the said orders saying that the orders do not disclose application of mind and reasons.

3. We perused the record of the meeting including a notice prepared on the subject by the Office for perusal of the Board. We also perused the appeal memos. The relevant regulation viz. 'Regulation 31 Sub-Regulation 1' of Marathwada Gramin Bank (Staff) Service Regulations 1980 amendment 1982, reads as under : -

(2) “The appeal shall be preferred to the appellate authority mentioned in Reg. 32 within 30 days of the date of service of the order appealed against. The appellate authority shall consider whether the findings of the disciplinary authority are justified and whether the penalty imposed is adequate and pass suitable orders as early as possible.

4. From at least two parts of the appellate authority's order first would deal with: whether finding of disciplinary authority justified or not? Second part would cover the question; whether the penalty imposed is adequate or otherwise?

5. While considering the first part, few reasons are required to be recorded as to why the findings justifiable. On the second point also, few reasons are required to be written as to why penalty imposed is adequate and not harsh etc. For deciding both the points, the Committee was under obligation to apply its mind and record short reasons. After all the respondents (petitioners herein) before the Committee were facing dire consequences and therefore they deserve a better treatment.

6. We hold that the orders under challenge passed by the appellate authority are not passed in accordance with law as laid down in Regulation 31 of Marathwada Gramin Bank (Staff) Service Regulations 1980 amendment 1982. We, therefore, set aside the orders under challenge and remand the cases to the Appellate Authority. The Appellate Authority is directed to decide the appeals of the petitioners afresh without being influenced by what is stated in this judgment. The appeals shall be decided in accordance with law within a period of three months from today.

7. The writ petitions are disposed of in above terms with no order as to costs.

[V.K. JADHAV, J.]

[A.V. NIRGUDE, J.]

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