

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4269 OF 2015

Shankar s/o Gyanoba Shinge
Age : 48 years, Occu: Suspended
R/o : Yeshwant Nagar, Nanded,
Tq. & Dist. Nanded.

... Petitioner

Versus

1. Deputy General Manager
State Bank of Hyderabad
Zonal Office, Nanded.
2. Assistant General Manager
State Bank of Hyderabad
Region-I,
Zonal Office, Nanded.

... Respondents

.....
Advocate for petitioner : Mr. P. R. Katneshwarkar
Advocate for respondent Nos. 1 and 2 : Mr. R. C. Patil
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 6th AUGUST, 2015

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J) :-

1. Rule. Rule made returnable forthwith. With consent of parties, taken up for hearing.

2. Mr. Katneshwarkar, the learned counsel for the petitioner states that Departmental Enquiry was initiated against the petitioner. The petitioner was terminated. The petitioner filed an appeal as per the memorandum of settlement on disciplinary procedure. The appellate authority, without hearing the petitioner and without

assigning any reason, has disposed of the appeal thereby confirming the order of Disciplinary Authority.

3. The learned counsel submits that Clause 14 of the memorandum of settlement on disciplinary action procedure lays down that the appellate authority shall, if the employee concerned is so desirous, in a case of dismissal, hear him or his representatives before disposing of the appeal. The learned counsel submits that the said procedure has not been followed. Even the order passed is without assigning any reasons.

4. Mr. Patil, the learned counsel for the respondent Bank submits that, though the order does not give reasons but the appellate authority has considered each and every aspect of the matter and thereafter, disposed of the appeal. Even the petitioner has not asked for an opportunity of hearing before the appellate authority. No illegality has been committed. The charges against the petitioner were grave. Considering the said charges, the order has been passed by the appellate authority.

5. We have considered the submissions canvassed by the learned counsel for the respective parties. We have also perused the order passed by the appellate authority. The appeal was

preferred by the petitioner in accordance with the provisions applicable to the parties. It is trite that whenever an authority, administrative or *quasi* judicial, passes any order, the same is to be supported by reasons. Reasons are the lifeline of any administrative or *quasi* judicial order passed. The reasons depict the application of mind on the part of authority passing the order. The reasons are one of the important concomitants of the principles of natural justice.

6. On perusal of the impugned order, it is manifest that the same is bereft of any reasons. No reasons are assigned by the appellate authority as to why the appellant has not been in a position to persuade him with the pleadings and the appeal memo to take a different view. Even no hearing was conducted by the authority. Considering all the aforesaid aspects of the matter, we pass the following order :

ORDER

- I. The impugned order passed by the appellate authority dated 25.02.2015 is quashed and set aside. The petitioner is relegated before the appellate authority. The appellate authority shall decide the appeal presented by the petitioner on its own merits in

accordance with law after giving hearing to the petitioner and shall decide the same by assigning reasons, expeditiously.

II. Rule is made absolute in the above terms. The writ petition is accordingly disposed of. No costs.

III. It is made clear that In view of the fact that the petition is disposed of on the aforesaid count, we have not considered the other arguments canvassed by the learned counsel for the respective parties on merits.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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