

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.1097 OF 2005

DATED 06th OCTOBER, 2015

Between:

Gujjula Venkata Siva Reddy .. Petitioner

and

Bank of Maharashtra, Regional

Office, Hyderabad and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.1097 OF 2005

ORDER

The petitioner was a Branch Manager in the service of the Bank of Maharashtra. He was subjected to disciplinary proceedings in connection with certain irregularities allegedly committed by him while working as such at its Rajahmundry branch. He was visited with the punishment of compulsory retirement from service by order dated 17.08.2004 passed by the Assistant General Manager,

IR & HRD, the disciplinary authority. The said punishment was confirmed by the Deputy General Manager (Personnel), the appellate authority, under order dated 04.11.2004. This writ petition was filed assailing the proceedings of the disciplinary and appellate authorities.

Having heard arguments at some length, this Court found, upon perusal of the appellate authority's order, that the same was cryptic to the point of being practically a non-speaking order. The appeal grounds raised by the petitioner before the said authority, under his letter dated 13.09.2004, run into over seven pages. However, the appellate authority dealt with the same in a one and half page order, of which only four sentences adverted to the appeal grounds raised by the petitioner. This part of the order reads thus:

'It is observed as under:

1. He was given opportunity of examining documents. The cases of other involved Officers have no relevance with his case. Each case is decided on its merit.
2. Enquiry was conducted properly and with proper authority. He has claimed that he has been denied with the opportunity of being heard by the Enquiry Officer, however the opportunity was given to him to defend his case, which he has availed and also submitted his written arguments to the Enquiry Officer.
3. Enquiry Officer as well as Disciplinary Authority has analyzed evidences properly.
4. Considering gravity of the misconduct punishment awarded is just.'

The appellate authority, clothed with quasi-judicial functions, necessarily had to deal with the various grounds raised by the petitioner in his appeal against the punishment of compulsory retirement. It was incumbent upon such authority to spare a little more effort and discuss the grounds raised so as to justify why it confirmed the punishment. The order passed by the appellate authority in the present case falls woefully short of this requirement.

Though the matter has been pending before this Court for over a decade, the lapses on the part of the appellate authority while dealing with the petitioner's appeal leave this Court with no option but to remand the matter to the appellate

authority even at this late stage. Trite to state, the scope of judicial review under Article 226 of the Constitution would be limited as compared to the scope of an appeal before the appellate authority. In effect, the petitioner has been deprived of his appellate remedy as his appeal was dealt with in a most cursory and lackadaisical manner. Sri M. Narender Reddy, learned senior counsel appearing for the bank, assures this Court that records pertaining to the case would be made available to the appellate authority so as to ensure full-fledged hearing of the matter.

The writ petition is therefore allowed in part setting aside the appellate authority's order dated 04.11.2004, whereby the punishment imposed upon the petitioner by the disciplinary authority under order dated 17.08.2004 was confirmed. The appeal is restored to the file of the appellate authority, which shall consider the grounds of appeal raised by the petitioner afresh and in accordance with law, afford an opportunity of personal hearing to the petitioner and thereupon pass a detailed reasoned order. Given the long pendency of the case, this exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

06th OCTOBER, 2015

Svv