

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.222

C.W.P. No.7219 of 2013

Date of decision: 31.03.2015

Satish Kumar

.....Petitioner

versus

State of Bank of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Manish Dadwal, Advocate
for the petitioner.

Ms. Madhu Dayal, Advocate
for the respondents.

DEEPAK SIBAL, J.

While discharging his duties as a Special Assistant, on 13.05.2011, the petitioner was charge-sheeted. Finding his reply to the charge-sheet to be unsatisfactory, he was subjected to a regular department enquiry. During the course of such enquiry, the petitioner admitted his guilt and prayed for leniency, keeping in view his length of service and further with a promise that in future he would serve the respondents with honesty and diligence. The plea of the petitioner was considered and rejected by the Punishing Authority and as a result thereof he was ordered to be removed from service. Against the order of removal, the petitioner filed an appeal as provided under the Rules/Regulations/Bipartite Settlements. In the appeal filed by the petitioner, he prayed for reduction in the punishment so imposed on him on the ground that he had served respondent-Bank for 25 long years

and undertook not to commit any further mistake in the future. Vide order dated 15.01.2013, the appeal filed by the petitioner was rejected being time barred as the same had been filed after about 40 days beyond the period of limitation so prescribed.

A perusal of the order passed by the Appellate Authority reveals that the appeal of the petitioner has not been decided on merits.

All that the petitioner seeks is that the issues raised by him in his appeal be decided on merits. The delay in filing of the appeal is just about month and a half and that nobody would be prejudiced if the issues raised by the petitioner in his appeal are considered and decided on merits.

In view of the above, without commenting on the merits of the case, I direct respondent No.2 to decide the appeal filed by the petitioner against the order of his removal on merits, by passing a speaking order and after affording opportunity of hearing to the petitioner preferably within four months from the date of receipt of a certified copy of this order.

Needless to add that the decision so taken be communicated to the petitioner and if the decision is not to the satisfaction of the petitioner, he would be at liberty to challenge the same, in accordance with law.

(DEEPAK SIBAL)
JUDGE

March 31, 2015

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