

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1082 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 24815 of 2013
Along with
Interlocutory Application No.4544 of 2015

- =====
1. The Multi State Cooperative Land Development Bank, Simit (Limited) (Bihar-Jharkhand), Budh Marg, Patna through its Managing Director.
 2. The Managing Director, Land Development Bank, Bihar, Patna.
 3. The Chairman, Land Development Bank, Bihar, Patna.
 4. The Chief Vigilance Officer, Land Development Bank, Bihar, Patna.
 5. The Senior Accounts Officer, Land Development Bank, Patna.

.... Respondents-Appellant/s

Versus

Ran Vijay, son of Late Rajendra Prasad Singh, resident of Village - Mirganj, P.O. + P.S. - Wazirganj, District - Gaya, retired as Field Officer, Land Development Bank, Branch - Warsaliganj, District – Nawadah.

.... Writ Petitioner-Respondent/s

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Appearance :

For the Appellant	:	Mr. Y. V. Giri, Senior Advocate Mr. Rajesh Prasad Choudhary, Advocate
For the Respondent	:	None

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-10-2016

Re.: Interlocutory Application No.4544 of 2015

The application is for condonation of delay of 125 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1082 of 2015



The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 7th April, 2014 whereby, an order of punishment passed by the Chief Vigilance Officer of the Bihar State Cooperative Land Development Bank (for short, 'the Bank') on 23rd September, 2013 withholding gratuity by way of punishment was set aside. The reasoning given by the learned Single Bench is that such an order of punishment was passed without giving any opportunity of hearing to the writ applicant.

The writ applicant attained the age of superannuation on 30th April, 2008, but the amount of gratuity was not paid and was ordered to be withheld by the Chief Vigilance Officer on 23rd September, 2013 without conducting any enquiry.

If an order of punishment is required to be passed against a delinquent and that too after retirement, the same could be affected in accordance with the Rules and that too after compliance of the principles of natural justice. Since no opportunity was granted to the writ applicant before imposition of penalty, the same has been rightly set aside.

Learned counsel for the appellants argued that even if an order was illegal, the liberty should have been given to the appellants to pass an order after associating the writ applicant.

We do not find any merit in the said argument. Normally speaking, the argument would have merit acceptance, but in the facts of the present case, we do not find that such an argument requires consideration. Firstly, the misconduct alleged against the writ applicant was that for one year, he did not take steps to recover the due amount to the Bank. For inaction of taking action to recover the amount, the amount of gratuity has been withheld for more than eight years after superannuation. Since the gratuity has been withheld for almost eight years, therefore, the writ applicant has been deprived of the gratuity for long period of time. Therefore, to grant any liberty to the appellants at this stage to continue with the agony of the writ applicant is not warranted in view of the extent of allegation of misconduct levelled against the writ applicant.

Consequently, we do not find any merit in the Letters Patent Appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F. R.
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