

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 644 of 2014

IN

Civil Writ Jurisdiction Case No 9696 of 2007

Prabhat Kumar Karan son of late Kamaleshwari Prasad Karan resident of Mohalla
Betwan Bazar behind Sun-Beam Engineering Works, Police Station Kasim Bazar,
District Munger

.... Appellant/s

Versus

1. Union of India through Ministry of Finance Department of Banking, Government of India, New Delhi.
2. The Chairman-cum-Managing Director, UCO Bank, Head Office, 8th Floor, 10 B.T.M. Sarani, Kolkata - 700001.
3. The General Manager-cum-Appellate Authority (Personnel H.R. AND Training) UCO Bank, Head Office - II 3 AND 4 D.D. Block (Sector- 1) Salt Lake, Kolkata - 700006.
4. The Assistant General Manager (Patna Region) Regional Office, UCO Bank, Dak Bungalow Road, 4th Floor, Block - 4, Maurya Complex, Patna - 1.

.... Respondent/s

For the Appellant/s : Smt M Chatterjee & Samir Kr Sinha, Advocates

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

&

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 16-03-2016

IA No 2023 of 2016 has been filed for substitution of
the appellant who has since died during pendency of this appeal by
representatives, as mentioned in paragraph 3 of the IA who have
already appeared through vakalatnama.

2 Let the name of the appellant, accordingly, be
substituted.

3 IA No 2023 of 2016 stands disposed of.

4 We have heard the learned counsel for the appellant and learned counsel for the State and, with their consent, this appeal is being disposed of at this stage itself.

5 The original writ petitioner/appellant was aggrieved by the order passed by the learned Single Judge dated 06.02.2014 in CWJC No 9696 of 2007 by which he has dismissed the writ petition on the ground that having filed appeal before the appellate authority from the order of the disciplinary authority, he has approached this Court after 12 years. The original writ petitioner/appellant, during pendency of the appeal, had approached this Court challenging the order of the disciplinary authority. He, therefore, refused to exercise discretion in the matter and interfere.

6 Having considered the matter, in our view, learned Single Judge was clearly in error. It is not in dispute that the disciplinary authority passed the order of punishment on 11.10.1995. The original writ petitioner/appellant had tried to persuade the appellate authority to decide the appeal and, having failed to evoke any positive response, had move this Court. In our view, the learned Single Judge ought to have moulded the relief instead of dismissing the writ petition with a direction to the appellate authority to conclude the hearing of the appellate proceedings within a fixed period, if already not concluded instead of dismissing the writ petition and

leaving the original writ petitioner/appellant remediless.

7 We, accordingly, set aside the order of the learned Single Judge, allow this appeal and direct the appellate authority, respondent No 3, the General Manager –cum- appellate authority (Personnel HR & Training), UCO Bank to dispose of the appeal of the original writ petitioner/appellant preferred against the order of the disciplinary authority that is Assistant General Manager, (Patna Region), UCO Bank being order dated 11.10.1995, if already not disposed of. If the appellate authority finds that the proceedings have been disposed of, he must forthwith communicate the appellate order to the substituted appellants. The appeal, if not disposed of, shall be disposed of within three months from today.

8 Accordingly, this appeal is allowed and the order of the learned Single Judge is set aside.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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