

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18210 of 2008

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Braj Bhushan Singh, son of Shri Ramji Singh, resident of Village Pachpokhri, P.S. Baghaila, District Rohtas.

.... Petitioner/s

Versus

1. The Chairman, Board of Director, Madhya Bihar Gramin Bank, Meena Plaza, South of Museum, Patna.
2. Chairman, Madhya Bihar Gramin Bank, Meena Plaza, South of Museum, Patna.
3. Area Manager, Jamhore, Madhya Bihar Gramin Bank, P.S. Jamhore, District Aurangabad.
4. Branch Manager, Jamhore, Madhya Bihar Gramin Bank, P.S. Jamhore, District Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman
For the Respondent/s : Mr. Sunil Kumar Singh I
Mr. Prashant Vedasan
Mr. Subhash Chandra Bose

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

11 13-07-2016 Heard counsel for the petitioner as well as learned
counsel appearing for the Madhya Bihar Gramin Bank.

Petitioner seeks quashing of the order, dated 06.12.2007, passed by the Chairman (Disciplinary Authority), Madhya Bihar Gramin Bank (for short “the Bank”) and affirmed in appeal by the Board of Directors of the Bank, contained in Annexure-5 to the writ application.

Petitioner joined his service as an Officer in the Magadh Gramin Bank, Charan, P.S. Charan, District Aurangabad, in the month of January, 1983. In course of his service, he was



transferred to different Branches of the Bank. However, in the year 2001, he was transferred at Magadh Gramin Bank, Maharajganj, P.S. Kutumba, District Aurangabad, where he was discharging his duties. He was put under suspension vide order, dated 27.10.2004. A number charges were framed against him. On conclusion of the inquiry, the Inquiry Officer found him guilty of nine charges. The petitioner was issued show-cause to submit his response to the adverse findings recorded in the inquiry report. The petitioner submitted his reply denying all the charges levelled against him. Not being satisfied with the explanations of the petitioner, the Disciplinary Authority dismissed him from service vide order, dated 06.12.2007. An appeal preferred against the order too was dismissed by the Appellate Authority on 08.11.2008.

The petitioner has broadly made two submissions. He submits that the impugned order of punishment is disproportionate to the offence committed by him. He next submits that the order of the Appellate Authority is a non-speaking order.

On the other hand, learned counsel for the Bank submits that the appellate order contain gist of allegations against the petitioner. He submits that the petitioner has himself confessed that he has taken Rs.15,000/- as commission from one Irshad

Alam and Rs.3,000/- as commission for Area Manager. He submits that as the petitioner subsequently confessed his guilt, the appellate order does give a gist of allegations against the petitioner.

Having regard to the facts and circumstances of the case, I may agree with the submissions of the learned counsel for the Bank that the order of the Appellate Authority cannot be said to be a non-speaking order in light of petitioner's confession.

So far as the alternative submissions of the petitioner that the impugned order is harsh and excessive, the petitioner may make representation before the Appellate Authority, raising his grievance. In case any such representation would be filed, the same would be disposed of within three months from the date of receipt of a copy of this order, without prejudice. The earlier order would be subject to the subsequent order that may be passed by the Appellate Authority.

With the observation aforesaid, the writ application is disposed of.

(Samarendra Pratap Singh, J.)

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