

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2053 of 2016

- Anjani Kumar Tiwari S/o Late Sudhakar Tiwari, Aged About 59 Years Presently Working As Senior Manager (N P A) At Chhattisgarh Rajya Gramin Bank, Regional Office, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank Through Its Chairman-Cum-Disciplinary Authority Head Office Mahadeo Ghat Road, Sundar Nagar, Raipur (Chhattisgarh)
2. General Manager, Chhattisgarh Rajya Gramin Bank, Head Office Mahadeo Ghat Road Sundar Nagar, Raipur (Chhattisgarh)

---- Respondents

For Petitioner : Mr. K.N. Nande, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava
Oral Order

24/06/2016

Heard.

1. By this petition, the petitioner has called in question, correctness and validity of the order dated 07.04.2016 (Annexure P-1) passed by respondent No.1, by which the major penalty of reduction has been imposed on the petitioner.
2. Learned counsel for the petitioner submits that the petitioner has filed this petition challenging the order on the grounds of serious procedural irregularities that it has been passed without affording appropriate opportunity. It is the allegation of the petitioner that though amended charge-sheet was later on issued, thereafter, appropriate opportunity of hearing was not afforded to the petitioner.
3. The impugned order of penalty has been passed by the disciplinary authority after conducting a detailed departmental enquiry. Charge-

sheet was issued to the petitioner. A perusal of the penalty order shows that after issuance of charge-sheet, the enquiry officer was appointed, who conducted the enquiry, in which the prosecution witnesses and defence were also examined and thereafter, petitioner was granted some opportunity. Enquiry report was prepared and on the basis of the enquiry report, the disciplinary authority had imposed the penalty.

4. The ground which has been raised in the petition is not that no opportunity of hearing was afforded and without giving any notice the petitioner was subjected to a major penalty. Irregularities committed in holding enquiry could be raised by the petitioner before the Appellate Authority.
5. In view of the above, I am not inclined to interfere with the petition when the petitioner has statutory alternative remedy to file appeal against the order of penalty. Petition is accordingly dismissed, however, with liberty to file departmental appeal.
6. It is made clear that the observations, which have been expressed in the petition, are only limited for the purpose of satisfaction whether this Court should entertain the petition or the petitioner should be directed to avail departmental remedy. These observations shall not be treated as any finding and all the grounds which may be raised by the petitioner in the appeal, shall be decided on its own merit in accordance with law.
7. With the said observation, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge