

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.87 of 2015
Arising out of
LPA 70 of 2012**

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Suresh Prasad Malakar, Son of Murlidhar Mali, Resident of Village Soharipatti Buxar, Police Station And Town Buxar, District Buxar.

.... Petitioner/s

Versus

1. The Punjab National Bank Through The General Manager, Human Resources Development Division, 8th Floor, 7-Bhikhaji Camma Place, New Delhi.
2. The Circle Head, Punjab National Bank, Circle Officer Ragal Hotel, 2nd Floor, East Ramna Road, Arah, Bhojpur Through Appellate Authority.
3. The Chief Manager, Punjab National Bank, Circle Officer, Ragal Hotel, 2nd Floor, East Ramna Road, Arah, Bhojpur.
4. The Senior Regional Manager, Punjab National Bank, Human Resources Development Section, Regional Office, Arah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate,
For the Respondent/s : Mr. Raj Nandan Prasad, Advocate

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 31-01-2017

I.A. No.4520 of 2015

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

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No.4520



of 2015 is allowed and delay in filing the Letters Patent Appeal is condoned.

Civil Review No.87 of 2015

The petitioner has sought review of the order passed by the Division Bench on 21st of February, 2012 in L.P.A. No.70 of 2012 whereby, the appeal filed by the Bank was allowed and the order of punishment was restored. The petitioner has availed the remedy of Special Leave Petition before the Hon'ble Supreme Court which was dismissed. The review application filed against the said order was also dismissed. Even the curative petition stands dismissed. It is thereafter the petitioner has filed the present review application before this Court.

2. Learned counsel for the petitioner argues that the learned Single Bench has allowed the writ application filed by the petitioner, but the Bank filed review by producing additional documents which were not taken into consideration. The review was dismissed. L.P.A. No.1555 of 2011 was filed against the said order which was dismissed on 3rd of November, 2011. In the said order, there are comments on merits against the Bank; therefore, the Letters Patent Appeal subsequently filed by the Bank against an order passed by the Learned Single Judge on merits could not have been entertained. It is also argued that the entire controversy is to the



competency of the petitioner to advance loan. It is pointed out that the appellant was substantively working as Cashier but was in-charge Branch Manager, therefore, he had the power to grant sanction of the loan which a Branch Manager could not have done, therefore, the finding recorded by the Division Bench that the petitioner was not competent to advance loan is illegal.

3. We have heard the petitioner and find no merit in the present petition. The review petition filed by the Bank was dismissed by the Learned Single Judge but in appeal, the Division Bench dismissed the appeal directed against an order passed in review petition *inter alia* observing as under:

“Thus, it is not the case of the Bank that in spite of due diligence it could not bring the relevant materials to the notice of the Court and the mistake of the party, in our view, does not constitute good ground for review of the judgment of or order. We have also noticed that the appellant Bank has not preferred appeal against the above referred judgment and order dated 23rd July, 2010 passed by the learned single Judge in the writ petition.

In our view, the Bank failed to make out a ground for review. The learned single Judge has rightly dismissed the review petition.”

4. Therefore, in view of the observations of the Bench, in review, we do not find that the Bank would be precluded from disputing the order passed in the writ application by way of Letters



Patent Appeal.

5. The argument that petitioner was competent to advance or sanction loan has been discussed by the learned Division Bench. Still further, the Bench has examined the scope of judicial review against the order passed by the disciplinary authorities. Once the matter has been discussed, the petitioner cannot be permitted to re-argue the entire matter under the garb of review.

6. Consequently, we do not find error apparent on the face of the record which may warrant interference in the present Review Petition. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

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