

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.940 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 20614 of 2010**

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1. The Bihar State Financial Corporation, Fraser Road, Patna through its Managing Director.
 2. The Board of Director, Bihar State Financial Corporation, Fraser road, Patna through its Chairman.
 3. The Managing Director, Bihar State Financial Corporation Fraser Road, Patna.
 4. The Officer on Special Duty, Bihar State Financial Corporation Fraser Road, Patna.
 5. The Manager (P & A), Bihar State Financial Corporation, Fraser, Road, Patna.
 6. The Deputy Manager (P & A) Bihar State Financial Corporation, Fraser Road, Patna.

.... Appellant/s

Versus

B. K. Sinha, Son of Late Shiv Nandan Prasad, Presently residing in the house of Sri. S.P. Sinha, new Colony, Near Khankah, P.S. University Thana, District Darbhanga (Bihar).

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raju Giri, Advocate
Mr. Santosh Kumar Mishra, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-07-2017

Delay of 103 days in filing of the appeal is condoned.

I.A. No. 3501 of 2016 stands allowed and disposed of.

Seeking exception to an order passed by the learned
Writ Court in C.W.J.C. No. 20614 of 2010 on 30th of June, 2015 this
appeal has been filed by the Financial Corporation under Clause 10 of
the Letters Patent.



Challenging orders of punishment issued in the matter of withholding of increments under Regulation 39 of the Bihar State Financial Corporation (Staff) Regulation, 1965 the respondent employee filed the writ petition and the Writ Court after going through various aspects of the matter found the inquiry to be vitiated on account of various factors which included bias of the authorities concerned so also in the matter of appointment of a Presenting Officer and interfered into the matter. Finding there to be violation of the statutory provision of natural justice in conduct of the inquiry the learned Writ Court has interfered into the matter.

We have gone through the order passed and we find that apart from the fact that the orders passed are in violation to the principal of natural justice, as held by the learned Writ Court the respondent employee was issued with a charge memorandum, as is evident from Annexure-1 and he submitted a detailed reply to the same explaining the circumstances and in a very cryptic manner the impugned order of punishment has been imposed by holding that the explanation submitted by him is not satisfactory. It is, therefore, clear from a complete reading of the entire material that the learned Writ Court found the action to be taken in violation to the principles of natural justice, particularly, in the matter of non-consideration of the explanation properly and, therefore, we see no reason to make any



indulgence into the matter.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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