

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.254 of 2016

IN

Civil Writ Jurisdiction Case No. 7114 of 2010

- =====
1. Samastipur Keshetriya Gramin Bank (Sponsored by State Bank of India), Head Office at Samastipur, District- Samastipur.
 2. The Chairman, Samastipur Kshetriya Gramin Bank, Head Office at Samastipur, District- Samastipur.
 3. The Chairman-cum-Disciplinary Authority, Kshetriya Gramin Bank, Head Office at Samastipur, District- Samastipur.

.... Respondents-Appellant/s

Versus

Mukesh Kumar, Son of Sri Krishna Nandan Prasad, Resident of Mohalla-Rajendrapuri, (Kalambag Road), P.S.- Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner-Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Respondent/s : Mr. M. N. Parbat, Senior Advocate
Ms. Sudha Ambastha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 08-08-2017

Finding the enquiry officer to have exonerated the writ petitioner- respondent herein and the disciplinary authority to have recorded a finding contrary thereto holding the delinquent employee to be guilty of charges without notice to the writ petitioner-respondent herein and further applying the principles of natural justice laid down in the case of **Punjab National Bank and others v. Kunj Behari Misra** [(1998) 7 SCC 84]; **Yoginath D. Bagde v. State of Maharashtra and another** [(1999) 7 SCC 739]; and **Yogendra**



Prasad Singh v. The State of Bihar and others [2007 (supplementary) Patna Law Journal Reports 154], the learned Writ Court has remanded the matter back for proceeding with the enquiry from the stage of submission of the enquiry report, in doing so, we are of the considered view that learned Writ Court has not committed any error warranting reconsideration. The appeal is dismissed.

The Bank can proceed from the aforesaid stage and no such punishment in the changed circumstances which have resulted in retirement of the employee.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
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