

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1238 of 2016

=====

Pradeep Kumar Sharma, Son of Shri D.D. Sharma, Presently Residing at -
11438, P/29 Extension, Balbir Nagar (Trans Nala), Delhi - 110032.

.... Appellant

Versus

1. The Punjab National Bank, through the Regional Manager, Regional Office, Patna B R Block, Chanakya Place, Patna.
2. The Regional Manager, Punjab National Bank, Regional Office Patna, R Block, Chanakya Place, Patna.
3. The Deputy General Manager/Disciplinary Authority, Punjab National Bank, Field General Manager Office, R-Block, Chanakya Tower, Patna.
4. The Central Bureau of Investigation, through its Deputy Inspector General, Patna.

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar, Advocate

For the Respondent/s : Mr. Dr. Pankaj, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

- 3 08-08-2017 The appellant was an officer working in the Punjab National Bank (hereinafter referred to as 'the Bank') has sought quashing of charge-sheet issued to him for initiating the departmental proceeding dated 09.03.2015, primarily on the ground that the criminal proceeding has been initiated after more than 25 years. However, it was the case of the Bank that the Central Bureau of Investigation has registered case no. RC-6(A)/90/Patna in the year 1990. The appellant was being prosecuted for various offences under the Indian Penal Code and



Prevention of Corruption Act, 1947 and even though the department had referred the matter to the Central Bureau of Investigation way back in the year 1994 seeking guidelines for the purpose of proceeding with criminal case and for the departmental enquiry, but at that point of time, as no clearance was given by the Central Bureau of Investigation, the matter was kept pending, but now the criminal case is still continuing after a period of more than 25 years.

It is stated that as the appellant has been convicted in the criminal case, the department proceeded to take action in the matter. Primarily the case filed on the ground of delay in initiation of the proceeding after 23 years of the incidence is unsustainable and in support of the same, reliance is placed on a judgment of the Supreme Court in the case of State of Madhya Pradesh versus Bani Singh and Others reported in 1990(suppl) Supreme Court Cases, page 738.

The learned writ court noted all the facts and found that in this case, the criminal proceeding was pending and immediately after its conclusion, the departmental proceeding have commenced, hence the law laid down in case of State of Madhya Pradesh Vs. Bani Singh (Supra) would not be applicable



in this case and in our considered view in doing so, learned writ
court has not committed any error warranting reconsideration.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

U			
---	--	--	--

