

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.765 of 2015

In
LPA 96 of 2015

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Uttar Bihar Gramin Bank & Ors.

.... Petitioners

Versus

Narendra Kumar Sinha

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prashant Vedasen, Advocate

Mr. Subhash Chandra Bose, Advocate

For the Respondent/s : Mr. Purushottam Kumar Jha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

2 26-04-2017 Heard learned counsel for the petitioners and the sole
opposite party.

This application has been filed by the petitioners for
modification of the last sentence of the order dated 18.02.2015 by
which L.P.A. No.96 of 2015 was admitted.

It is contended that, in the last sentence, it is stated
that the respondent shall continue to be under suspension just as he
was before the reinstatement. However, the fact is that the
respondent/opposite party was removed from service and he was
out of service before he was reinstated and was obviously not
under suspension, therefore, the last sentence requires
modification.



Per contra, it is contended on behalf of the sole opposite party that since, he was already reinstated, he cannot be allowed to remain outside the service.

We have perused the order dated 18.02.2015. The relevant paragraph from the aforesaid order is extracted as under for better appreciation :-

“It is brought to our notice that under threat of contempt, the respondent has been reinstated into service. We are of the view that this is a fit case, in which a person, who is an accused for lapses and misconduct in a Bank, cannot be reinstated, that too without determining the matter finally. The respondent shall continue to be under suspension just as he was, before the reinstatement”.

The aforesaid portion of the order clearly shows that the Division Bench was of the opinion that respondent's reinstatement in service was under the threat of contempt which should not have been done unless the matter was finally decided by a competent forum as he was an accused for lapses and misconduct in a Bank. Obviously, the error has been committed while saying that he had remained under suspension before the order of reinstatement, whereas, the fact is that he was out of service before his reinstatement otherwise there was no question of reinstatement at all.



Accordingly, the last sentence of the order dated 18.02.2015 is modified as under :-

“The respondent shall continue to be in the stage as he was, before his reinstatement”.

This disposes of the application.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

V.K. Pandey/-

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