

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.4181 of 2003**

Smt. Alka Tiwari W/o Shri Sanjay Tiwari, Aged about 40 years, R/o Shiv Mandir Ward, Near Dr.Soni's Clinic, Jagdalpur (CG)

---- Petitioner

Versus

1. Chhattisgarh Gramin Bank through its Chairman, Head Office Hat Kachora, Jagdalpur, District Bastar (CG)
2. Chairman-cum-Disciplinary Authority, Chhattisgarh Gramin Bank, Head Office Hat Kachora, Jagdalpur, Distt. Bastar (CG)
3. Board of Director being the Appellate Authority, Bastar Kshetriya Gramin Bank, Head Office, Hat Kachora, Jagdalpur (CG)

---- Respondents

For Petitioner	:	Mr.Animesh Verma, Advocate
For Respondents	:	Mr.B.D.Guru, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

04/12/2017

1. Bastar Kshetriya Gramin Bank being the disciplinary authority inflicted penalty of removal from service to the petitioner by order dated 13.11.2001 (Annexure P/12), against which, she preferred an appeal under regulation 31 of the Bastar Kshetriya Grameen Bank (Staff) Service Regulations, 1980 (hereinafter called as 'the Regulations'). The said appeal was dismissed by the appellate authority/Board of Directors by the order dated 1.3.2002 (Annexure P/15), against which, this writ petition has been preferred by the petitioner herein.
2. Mr.Animesh Verma, learned counsel appearing for the petitioner would submit that the impugned order is unsustainable and bad in law as the appellate authority did not consider the grounds raised in the appeal and in accordance with regulation 31 (2) of the

Regulations and as such, by non-speaking and unreasoned order the appeal has been dismissed. He would further submit that a copy of preliminary enquiry has not been supplied to the petitioner. Therefore, the impugned order is liable to be set aside.

3. On the other hand, Mr.B.D.Guru, learned counsel for the respondents, would support the impugned order.
4. I have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.

5. Regulation 31 of the Regulations provides as under:-

“31. Right to appeal.-(1) An officer or employee shall have a right of appeal against any order passed by an authority which injuriously affects his interest.

(2) The appeal shall be preferred to the appellate authority mentioned in regulation 32 within 30 days of the date of service of the order appealed against. The appellant authority shall consider where the findings of the disciplinary authority are justified and whether the penalty imposed is adequate and pass suitable orders as early as possible.”

6. A bare perusal of regulation 31 of the Regulations would show that the appellate authority shall consider the finding of the disciplinary authority whether the findings of the disciplinary authority are justified and whether penalty imposed is adequate and pass suitable orders.
7. In the light of provisions contained in regulation 31 of the Regulations, if the facts of the present case are examined, it would appear that the petitioner has raised number of grounds including non-supplying of relevant documents and non-supplying of a copy of preliminary enquiry, on which the order of removal is based, but the appellate authority has simply held that the order passed by

the disciplinary authority is just and proper and no interference is called for, which is contrary to regulation 31 of the Regulations. The appellate authority has neither considered the findings nor considered the grounds raised by the petitioner in the appeal. It could have considered the grounds raised in memo of appeal and could have passed a reasoned and speaking order.

- 8.** Accordingly, the impugned order dated 1.3.2002 (Annexure P/15) passed by the appellate authority/Board of Directors dismissing the appeal filed by the petitioner is hereby set aside. The matter is remitted to the appellate authority to consider and dispose off the petitioner's appeal afresh in accordance with regulation 31(2) of the Regulations by speaking and reasoned order within 3 months from the date of receipt of copy of this order after hearing both the parties.
- 9.** The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-