

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.3457 of 2017

- Kamalramji S/o Late Kamal Lingaya, Aged About 57 Years R/o Rajeev Gandhi Ward No.33, Shanti Nagar, Jagdalpur, District Bastar, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank A Joint Venture Of Government Of India, State Government And S B I Through Its Chairman Chhattisgarh, Rajya Gramin Bank, Ghat Road, Sundernagar, Raipur, District Raipur, Chhattisgarh
2. Chairman, Chhattisgarh Rajya Gramin Bank, Ghat Road, Sundernagar, Raipur, District Raipur, Chhattisgarh
3. General Manager (Administration), Disciplinary Authority Chhattisgarh Rajya Gramin Bank, Head Office Mahadev Ghat Road, Sundernagar, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For Respondent/State	:	Shri N. N. Roy, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/07/2017

With the consent of learned counsel for the parties, the matter is heard finally.

2. Though, number of grounds have been urged in this petition to assail the correctness and validity of the impugned order, one of the foremost submission of learned counsel for the petitioner is that the appellate authority has not decided the petitioner's appeal by a speaking order. It is submitted that in view of the decision of this Court in the case of ***Soniram Dhruv vs. State of Madhya Pradesh and Others (WPS No.1367/2005, decided on 05-02-2010)*** and ***Nasir***

Khan vs. State of Chhattisgarh and others (WPS No.2615 of 2005, decided on 27-02-2017), the appellate authority is enjoined with the duty to apply its mind and consider the various grounds raised in the appeal and then pass a speaking order.

3. According to learned counsel for the petitioner, the impugned order does not meet these mandates of law and is therefore, liable to be set aside.

4. Learned counsel for respondents though in the beginning submits that the enquiry report, material on record, grounds in appeal and the entire enquiry proceedings were minutely examined by the appellate authority, he could not satisfy the Court that the order impugned reflected such application of mind.

5. Legal position being quite clear, I am inclined to set aside the impugned order (Annexure P-1). Accordingly, the petition is allowed and the impugned order is set aside. However, the matter is remanded to the appellate authority for re-consideration of petitioner's appeal with due application of mind and in view of the decisions of this Court in the case of ***Soniram Dhruw and Nasir Khan*** (supra), as early as possible.

SD/-
(**Manindra Mohan Shrivastava**)
Judge