

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16077 of 2008

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1. Nirmala Devi W/O Late Om Prakash Mahto @ Om Prakash Mahatha Resident Of Mohalla - Kali Asthan Road, P.S - K.Hat, District - Purnia
 2. Sangita Kumari D/O Late Om Prakash Mehto @ Om Prakash Mahatha Resident Of Mohalla - Kali Asthan Road, P.S - K.Hat, District - Purnia
 3. Robin Kumar S/O Late Om Prakash Mehto @ Om Prakash Mahatha Resident Of Mohalla - Kali Asthan Road, P.S - K.Hat, District - Purnia

.... Petitioner/s

Versus

1. The Chairman, Central Bank Of India, Head Office, Chandra Mukhi Building Narain Point Bombay 400091, Maharashtra
2. The Central Bank Of India Through Zonal Manager, Maurya Lok, Patna
3. The Asstt. General Manager, Zonal Office, Central Bank Of India, Maurya Lok, Patna
4. The Regional Manager, Regional Office, Central Bank Of India, Purnea
5. The Regional Manager, Regional Office, Central Bank Of India, Saharsa, Region - Saharsa
6. The Branch Manager, Central Bank Of India, Harda Branch, Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha, Advocate
Mr. Gajendra Kumar Jha, Advocate

For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate
Mr. Manju Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 29-03-2018

Heard learned counsels for the petitioners and the respondent Bank.

2. The brief undisputed facts are that the original writ petitioner who joined the service of the Bank as Grade IV employee in the year 1970 served the Bank for about 34 years. Thereafter on 27.04.2004 upon revocation of his suspension in relation to another minor offence, he was transferred from Harda Branch of Purnea Region to Puraini Bazar Branch of Saharsa.



3. It appears from the record that thereafter, the petitioner has never joined at the transferred place of posting and in relation to non-compliance of his transfer order he was served a charge memo on 15.03.2007. Proceedings were conducted thereafter and enquiry report was submitted on 29.08.2007 by the Enquiry Officer i.e. the Branch Manager Central Bank of India, Gauripur Branch. Thereafter, the final order inflicting the punishment of dismissal without any notice was inflicted upon the petitioner under order dated 05.10.2007 issued by the Disciplinary Authority, Regional Manager of Bank.

4. The petitioner was superannuated in the year, 2008 and after filing of the instant writ petition, he passed away sometime in the year 2008 where after his wife, daughter and son were substituted as the writ petitioners.

5. One intervening fact is that the original writ petitioner had approached the appellate authority against the order of dismissal and the appellate authority's order is dated 18.03.2008 (Annexure 10 of the writ petition) by which the appeal of the petitioner has been rejected. It has been found in the proceedings that the petitioner has not complied with his transfer order.

6. Submission on behalf of the petitioners is that there was no order relieving him and as such he has not joined the transfer place ever since 27.04.2004. However, it has not been shown with reference to any rule/provision that such relieving was required, in view of the transfer order, or that the petitioner has ever made any endeavour to join at his transferred place, and that the same has not been allowed. The admitted position is that the original writ petitioner had not joined on the transfer place of posting and in view of such disobedience of his transfer order, this court finds no ground



to interfere with the impugned order of punishment.

7. Counsel for the petitioners, however, submits that subsequent upon the order of dismissal, the petitioners would be entitled for some dues which have been pending in relation to original writ petitioner’s GPF and other heads which are admissible.

8. He submits that the petitioners would approach the respondent Bank regarding their claim in respect of admissible dues of husband of the petitioner no. 1. Considering the long service rendered by her husband (the original writ petitioner) in the respondent Bank, counsel for the petitioner submits that the petitioners shall also persuade the authority to take a lenient view with respect to quantum of punishment awarded to him and if the same found favour, the respondent Bank may consider the same.

9. This Court dose not express any opinion on the submissions advanced by the counsel for the petitioners. It goes without saying that the petitioners would be at liberty to do so

10. The writ petition is disposed off with the liberty as aforesaid.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.04.2018
Transmission Date	

