

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.575 of 2013

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Saroj Bala W/O Late Chandra Mohan Prasad Sinha R/O Vill-Parwana, P.S.-
Parwana, Distt-Saran At Chapra

.... Petitioner/s

Versus

1. Multi State Co-Operative Land Development Bank Ltd.(Bihar Jharkhand),
Budha Marg, Patna Through Its Chairman
2. The Chairman, Multi State Co-Operative Land Development Bank Ltd(Bihar ,
Jharkhand) Budha
3. The Managing Director, Multi State Co-Operative Land Development Bank
Ltd.(Bihar, Jharkhand), Budha Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
Mr. Lakshmi Kant Tiwary, Advocate

For the Respondent/s : Mr. Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 10-05-2018

Heard the learned counsel for the petitioner and the
respondent Bank.

2. On grounds of bad financing of loans proceedings were
conducted against the petitioner and the same has resulted in his
dismissal from service of the Bank. The dismissal was assailed by
the petitioner by filing C.W.J.C. No. 7036 of 2000. The same was
disposed off by order dated 29.07.2010. This Court while disposing
off the writ application of the petitioner had observed as follow :

“5. Having considered the submission of the
learned counsel for the parties and having perused the
enquiry report as also the impugned order and having
considered the fact that petitioner was never proceeded
against in his 28 years of service coupled with the fact



that from the enquiry report itself, it appears that the concerned Field Officer, Dealer and the Loanees are responsible and the petitioner- Branch Manager is also responsible to some extent and that he has taken steps to recover the asset from the defaulter loanees by lodging First Information Report against four of them, in appreciation of such fact, this Court while maintaining the finding of guilt recorded by Enquiry Officer that petitioner is also responsible to some extent for bad financing, recommend that his punishment be altered from dismissal to compulsory retirement. Appropriate orders in this regard be passed by the competent authority of the Bank, as early as possible, in any case within two months from the date of receipt/ production of a copy of this order.

6. The writ application is accordingly, disposed of.”

3. The said observations of this Court, was assailed by the respondent Bank by filing an intra court appeal. The Banks Letters Patent Appeal no. 1927 of 2010 was finally disposed off under order dated 28.02.2012. The Division Bench had modified the order passed by the writ Court. Accordingly, it was disposed off with the following observations :

“Accordingly, it would suffice if a direction is issued to the appellant no. 2 or any other appropriate authority to consider the case of the unofficial respondent with regard to alter the order of dismissal to that of compulsory retirement in accordance with law. Accordingly, such direction is issued.”

With the above modification, this appeal stands disposed of.”

4. The issue now stands concluded regarding the



jurisdiction of this Court to interfere with the quantum of punishment under the order passed by the Division Bench in LPA No. 1927 of 2010. This is second attempt by the petitioner seeking same relief as prayed in C.WJ.C No. 7036 of 2000 which culminated into the order dated 28.02.2012 passed in LPA No. 1927 of 2010.

5. The writ petition is devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

