IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3850 of 2009

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Sanjay Jha @ Sanjay Kr. Jha, son of Sri Vibhuti Bhushan Jha, resident of Om Sharanam Apartment, Second Floor, Devi Asthan, Punaichak, Patna.

.... Petitioner/s

Versus

1. The Industrial Development Bank of India Ltd. through its Chariman, IDBI Towers, World Trade Centre, Cuffe Parade Mumbai, Maharashtra.
2. The CEO, CBSBU, Industrial Developental Bank of India Ltd., IDBI Towers, 1st Floor, World Trade Centre, Cuffe Parade, Mumbai, Maharastra.
3. The Executive Director (Incharge HRD) IDBI Bank Limited, IDBI Tower, WTC Complex, Cuffee Parade, Mumbai, Mharashtra.
4. The Chief General Manager, Human Resources of Disciplinary Authority IDBI Bank, IDBI Tower, WTC Complex, Cuffe Parade, Mumbai.
5. The Branch Manager, IDBI Bank Ltd., Patna Branch Near Maurya Complex, Dakbunglow, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Kumar Mananendra, Adv.

For the Respondent/s : Mr. S.D. Sanjay, Sr. Adv.
Mr. Alok Kumar Agarwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-01-2018

Heard learned counsel for the petitioner and counsel for the I.D.B.I.

In the present case, the petitioner is challenging the order dated 11.2.2008 issued under the signature of Head-Branch Business & Disciplinary Authority by which the petitioner has been dismissed from service with disqualification from future employment.

The petitioner was working as a Manager, Kashi Palace, Patna Branch, Patna. A cheque was received by his Branch for Rs. 25 lacs on 8.4.2005 for clearance which was cleared by the Branch. The balance amount in the said account was only Rs. 43,814/- and, instead of returning the cheque to the presenting bank, the same was debited to Inward Clearing Reject Account where the balance remained outstanding till 25.4.2005. When the higher authority could know about the transaction, he intervened in the matter and the money was recovered along with interest. But, it was 17 days delay in recovering the amount of money along with interest, whereafter, a charge-sheet was issued against the petitioner which he replied, when the authority was not satisfied with the explanation, enquiry proceeding was initiated against him and, all five charges were found proved against him and the Disciplinary Authority issued the second show-cause along with a copy of the enquiry report, in turn, the petitioner filed explanation and, ultimately, the order of penalty has been passed against the petitioner for dismissal. In the order itself, it has been mentioned that the petitioner, if so desire, may file an appeal within a period of 45 days from the date of receipt of the order.

It appears that the petitioner has filed an appeal on March, 30, 2008 which has been disputed by the Bank saying that no such appeal has been filed by the petitioner.

Be that as it may, let the Executive Director, I.D.B.I. Bank should take it (Annexure-15) as a Memo of Appeal and will call for a record, give personal hearing to the petitioner and pass a reasoned order in accordance with law.

All the process must be completed within a period of three months from the date of receipt/production of a copy of this order.

This Court is not giving any opinion on the merit of the case.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2018
Transmission Date	NA