

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8307 of 2009

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P.C.Mishra (Prem Chandra Mishra), son of late Bhudeo, Resident of House No.7,
Anandpuri, West Boring Canal Road, P.S.-Budha Colony, District- Patna.

.... Petitioner

Versus

1. The Bihar State Financial Corporation, Fraser Road, Patna, through its Managing Director.
2. The Board of Directors of the Bihar State Financial Corporation, Fraser Road, Patna through its Chairman.
3. The Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
4. Sri Ashok Kumar, Son of name not known to the petitioner, Assistant General Manager-cum- Conducting Officer, Bihar State Financial Corporation, Fraser Road, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. SUBHASH CHANDRA BOSE

For the Respondent/s : Mr. KALI DAS CHATTERJI

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-02-2018

Heard learned counsel for the petitioner and learned
counsel for the Bihar State Financial Corporation.

In this case, the petitioner is challenging the order dated
18.12.1997 passed by the Disciplinary Authority, whereby and
where-under he has been awarded the punishment of one rank
demotion. The said order was challenged by the petitioner by way of
filing an appeal before the Appellate Authority. The Appellate
Authority vide order dated 16.07.2003, which was communicated to



the petitioner vide order dated 01.08.2003, rejected the appeal of the petitioner by a cryptic order.

This Court is not going into the merit of the case as the order of the Appellate Authority suffers from illegality as the order of the appellate authority does not disclose the reason for rejecting the appeal of the petitioner. When the petitioner has filed the appeal, it is presumed that the Appellate Authority will apply his judicial mind and pass a reasoned order, but the order of the Appellate is a non-speaking order.

In such view of the matter, this Court has no other option but to quash the order of the Appellate Authority. Accordingly, the order of the Appellate Authority dated 16.07.2003 is set aside. The matter is remanded back to the Appellate Authority for fresh consideration and passing a reasoned order.

The petitioner is directed, if he intends a personal hearing, he must remain present before the Appellate Authority on 19.03.2018. Failure to report to the Appellate Authority, it will be treated that the petitioner is not interested for personal hearing and the Appellate Authority after examining the records and considering the ground that has been taken in the memo of appeal will pass a reasoned order in accordance with law.



With the aforesaid observations and directions, this writ
petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	26.02.2018
Transmission Date	N/A.

