

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13095 of 2014

=====

Binod Kumar Anand son of Late Munna Babu Resident of Mohalla - Bichli Adaan,
P.O. & P.S. - Sohsarai, District - Nalanda.

.... Petitioner/s

Versus

1. The Madhya Bihar Gramin Bank through its Chairman, Head Office Meena Plaza South of Museum, Patna - 800001.
2. The Board of Directors-cum-Appellate Authority Madhya Bihar Gramin Bank, Head Office Meena Plaza South of Museum, Patna - 800001.
3. The Chairman, Madhya Bihar Gramin Bank, Head Office Meena Plaza South of Museum, Patna - 800001.
4. The Chairman-cum-Disciplinary Authority, Madhya Bihar Gramin Bank , Head Office Meena Plaza South of Museum, Patna - 800001.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amaresh Kumar, Advocate

For the Respondent/s : Mr. Mahesh Narayan Parbat, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 03-07-2018

Heard learned counsel for the petitioner and learned senior counsel appearing on behalf of the Madhya Bihar Gramin Bank.

2. Counsel for the petitioner submits that the issue being raised today by the writ petitioner is a very small issue. He submits that the appellate authority by order dated 23.04.2014 has affirmed the petitioner's "dismissal which shall not ordinarily be a disqualification for future employment" without taking into consideration the specific point raised by the petitioner before the appellate authority in his



submission dated 14.03.2014 pursuant to the order passed by this Court in C.W.J.C. No. 3610 of 2014 on 14.02.2014.

3. It is submitted that in respect of similar/connected charges which formed the basis of proceedings against the petitioner on the basis of charge memo dated 19.03.2010 one Criminal case was also instituted bearing Warisaliganj P.S. Case No. 28 of 2010 but during the course of investigation in the said proceedings, nothing was found against the petitioner. Accordingly, the Court while taking cognizance in the said case had not taken cognizance against the petitioner. In support of his submission he relies upon the order of taking cognizance dated 10.12.2013. It is submitted that these facts were placed before the appellate authority in his submission dated 14.03.2014. However, the same have not been considered. It is submitted that if the same was considered then authority would not have awarded the extreme punishment of dismissal to the petitioner.

4. Learned senior counsel appearing for the Bank has submitted that the remand which was made pursuant to the order dated 14.02.2014 in C.W.J.C. No. 3610 of 2014 was only to pass a fresh order on the petitioner's memo of appeal. He submits that the authorities were not obliged to consider his submission dated 14.03.2014 in as much as no liberty had been obtained by the petitioner to raise these issues regarding non-taking of cognizance by



the Court in the criminal proceedings on 10.12.2013. It is also submitted that since some charges were different in the proceedings therefore, non-taking of cognizance against the petitioner in order dated 10.12.2013 was irrelevant and the petitioner cannot be exonerated due to non-taking of cognizance.

5. This Court would observe that since the submissions dated 14.03.2013 were already on record before the appellate authority then these points which have been raised today in the Court could have been considered by the appellate authority on 23.04.2014.

6. Whether non-taking of cognizance against the petitioner in respect of some of the charges which are common to the instant proceedings would be a relevant consideration in the matter of award of punishment to the petitioner or not; is an issue which could have been considered by the appellate authority while passing his order dated 23.04.2014. Such non-consideration of the material before the appellate authority was deprecated in the earlier case of the petitioner itself under order dated 14.02.2014 passed in C.W.J.C. No. 3610 of 2014.

7. This Court is therefore, of the opinion that the issue regarding the relevance of non-taking of cognizance against the petitioner in respect of some of the charges similar to those for which the enquiry was being made against the petitioner may be considered



by the respondent authorities and if it is found to be a relevant consideration, quantum of punishment may be reconsidered by the appellate authority.

8. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

