

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5801 of 2017

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Raj Kumar Raut son of late Niwas Raut Residence of Flat Number 403, Jalalpur City, Post Office and Police Station - Danapur, District - Patna.

.... Petitioner/s

Versus

1. The Punjab National Bank through its Executive Director / Reviewing Authority, Human Resources Management Division, Head Office, Bhikaji Kama Place, New Delhi.
2. The General Manager-cum-Appellate Authority, Human Resources Management Division, Head Office, 5 Sansad Marg, New Delhi.
3. The General Manager (Field), Punjab National Bank, R - Block, Chanakya Complex, Patna.
4. The Circle Head Punjab National Bank, R Block, Chanakya Complex, Patna.
5. The Assistant General Manager, Punjab National Bank, R- Block Chanakya Complex, Patna.
6. The Deputy General Manager, Punjab National Bank, R Block, Chanakya Complex, Patna.
7. The H.R.D. Manager, Punjab National Bank, R' Block, Chanakya Complex, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate.
For the Respondent/s : Mr. Dr. Pankaj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-08-2018

Heard the parties.

In the present writ petition, petitioner is challenging the order dated 18.02.2015 (Annexure – 5) passed by Deputy General Manager-cum-Disciplinary Authority by which major punishment for “Removal from service which shall not be disqualification for future employment” under Regulations 4 (i) of Punjab National Bank Officer Employees’ (D&A)



Regulations, 1977 has been imposed.

All together six charges were leveled against the petitioner, chargesheet was served upon him to file explanation and later on he was proceeded departmentally. Enquiry Officer has found that all charges were proved except charge no.3 and ultimately disciplinary authority has passed the aforesaid order. The same was challenged before the Appellate Authority who has confirmed the order of the Disciplinary Authority. Thereafter, review petitioner was also filed by the petitioner unsuccessfully. The order of the Appellate Authority consists three pages but on merit four line consideration thereby affirmed the order of punishment passed by the Disciplinary Authority without taking into consideration the plea taken by the petitioner raised in appeal.

The appeal is continuation of trial and Appellate Authority is supposed to pass a reasoned order as reason is living link between the decision maker and decision. In failure to record a reason the order is violative of Article 14 of the Constitution of India. Reference can be made to the Judgment of the Hon'ble Supreme Court in the case of Chairman and Managing Director, United Commercial Bank and others v. P.C. Kakkar, reported in (2003) 4 SCC 364, Para-15.



Same mistake has been committed by the Reviewing Authority he has also not considered any of the explanation submitted by the petitioner and passed a cryptic order.

In such circumstances, both the orders passed by the Appellate Authority and Executive Director, dated 18.02.2015 and 28.02.2017 respectively are set aside and the matter is remanded back to the Appellate Authority at the stage of appeal, who will consider the ground raised by the petitioner and pass an appropriate order in accordance with law.

Accordingly, this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	NA

