

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-16046-2014 (O&M)
Date of decision:16.01.2018

K.L.Grover

....Petitioner

Versus

Punjab National Bank and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.Amit Mehta, Advocate for the petitioner.

Mr. R.S.Chauhan, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged the decision of the appellate authority dated 11.11.2013. Petitioner was subjected to disciplinary proceedings in the year 2011 and it was concluded imposing penalty of reduction of 4 stages lower in the time scale of pay till the date of his superannuation i.e. 31.10.2011. In the meanwhile petitioner's name was considered for promotion to the post of Deputy General Manager. However, order of promotion was not issued on 01.09.2011 the date on which draft charges were issued to the petitioner. Petitioner feeling aggrieved by the order of disciplinary authority preferred appeal before the appellate authority on 15.10.2013. Appellate authority rejected the petitioner's appeal on the sole ground that it was belated by 2 years. No reasons have been assigned for condonation of delay. Further he has preferred a review petition and no orders have been passed by the reviewing authority.

Under the Punjab National Bank Officer's Employees Conduct
Regulation 1977 (for short "Regulation 1977") there is no provision for

making application for condonation of delay in filing appeal. Thus, petitioner was under the impression that for the purpose of filing belated appeal reasons need not be assigned for condonation of delay. Appellate authority rejected petitioner's appeal solely on the ground of delay. Hence Annexure P12 dated 11.11.2013 is set aside. Matter is remanded to the appellate authority to decide the petitioner's appeal afresh. In the meanwhile petitioner is permitted to file formal application for condonation of delay of two years in filing the appeal. After receipt of the petitioner's application for condonation of delay appellate authority is hereby directed to consider the petitioner's appeal both on the condonation of delay as well as on merit of the appeal and pass a speaking order while considering each of the contentions raised by the petitioner in the memorandum of appeal. The above exercise shall be completed by the appellate authority within a period of 3 months from the date of receipt of the application for condonation of delay to be filed by the petitioner.

With the above observation, CWP stands disposed of.

16.01.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE****Whether speaking/reasons:** Yes/No**Whether Reportable:** Yes/No