

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-3820-2015 (O&M)

Date of Decision:-04.05.2018.

Jind Central Coop. Bank Ltd. and another

.....Appellants

Versus

Ram Kishan and another

.....Respondents

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

Present: Mr. Pradeep Solath, Advocate for the appellants.

Mr. S.K. Bhardwaj, Advocate for

Mr. Amit Kumar Jain, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (Oral)

In the instant appeal, appellants have challenged the validity of the Appellate Court judgment dated 25.03.2015.

2.) Respondent-employee was working with the appellants. He was subjected to disciplinary proceedings. It was concluded in imposing the penalty of termination. Thereafter, he has exhausted all departmental remedies which are available to him. Since he did not get any relief before the authorities, he filed a suit questioning the action taken on the disciplinary side by the appellants. Suit was decreed. Feeling aggrieved by the Trial Court order, appellants have preferred appeal before the Appellate Court and it was decided on 25.03.2015. Appellate Court has decided to the extent that Chief Executive Officer of the appellants has no power to file

appeal. The said issue has been considered by the Appellate Court in para 15. However, appellants have not apprised the Appellate Court with reference to bye-law in particularly item No.47 (XIX). Thus, there is an error in respect of powers of the Chief Executive Officer while deciding appeal before the Appellate Court. Therefore, Appellate Court order dated 25.03.2015 is set aside. Matter is remanded to the Appellate Court to decide the appellants' appeal afresh within a period of six months from the date of receipt of certified copy of this order. Parties are hereby directed to cooperate in deciding the appeal before the Appellate Court. Appellants are hereby directed to pay litigation cost to the respondent a sum of ₹ 30,000/- within a period of 3 months from today.

3.) Appeal stands disposed of.

(P.B. BAJANTHRI)
JUDGE

May 04, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.