

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1380 of 2018

In

Miscellaneous Jurisdiction Case No.3101 of 2018

Chinta Devi (Substituted Petitioner), Wife of Late Muneshwar Prasad, Ex-Branch Manager, Bank of India, Jehanabad Branch, Son of Late Harihar Mahto, Resident of Village-Saran, P.S.-Makhdumpur, District-Jehanabad.

... .. Petitioner-Appellant/s

Versus

1. Bank of India through its Chairman Cum Managing Director, H. O. Star House, Bandra Kurla Complex, Bandra (East), Mumbai-400051.
2. General Manager, Bank of India, H.O. Star House, Bandra Kurla Complex, Bandra East, Mumbai-400051.
3. The Zonal Manager, Patna Zonal Office, Bank of India, Chanakya Palace, R. Block, Patna.
4. Assistant General Manager-Cum-Dy. Zonal Manager, Bank of India, Patna Zonal Office, Patna.
5. Senior Manager, Bank of India, Vigilance (East), Kolkata.

... .. Respondents-Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh, Advocate
For the Respondent/s : Mr. Rupak Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-02-2019

Heard Shri Pawan Kumar Singh, learned counsel for the appellant and Shri Rupak Kumar, learned counsel for the respondent-Bank.

The only issue raised by the appellant is that she was entitled to a right of personal hearing in the matter of removal of the service of her late husband by the respondent-Bank. In the absence of any such specific provision under the Rules applicable, it cannot be said that any prejudice is being caused. The question



of personal hearing should not be confused with the right of hearing as per the *audi alteram partem Rule*. It is open to the appellant to represent every cause in writing and there does not appear to be any necessity of a right of personal hearing which can be enforced, inasmuch as the right of hearing in such disciplinary matters cannot be laid down in a specific straight-jacket formula, nor it can be said that the same causes any prejudice so as to consider the grievance raised and, therefore, we do not find any reason to interfere with the view expressed by the learned Single Judge.

The appeal lacks merit and is, accordingly, dismissed.

It is informed that during the pendency of this appeal, the Reviewing Authority has passed the orders. The dismissal of this appeal will not, in any way, prejudice the rights of the appellant to challenge the same before the appropriate forum.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Sunil/-

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