

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5280 of 2016

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Ram Nagina Prasad Son of Bal Krishna Mahto, resident of Mohanpur, P.O.-
Bhutahi, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner

Versus

1. Central Bank of India through Branch Manager, Central Bank of India,
Branch Barauli, District- Gopalganj
2. The General Manager, Central Bank of India, Patna, District- Patna
3. The Branch Manager, Central Bank of India, Branch Barauli, District-
Gopalganj
4. The Branch Manager, Hasanpur Branch, District Siwan
5. Sri Ajay Kaushaik, Manager (Director), R-SETI Chapra, Enquiry Officer
6. Sri Anil Kumar Pandey, Asst. Manager, Regional Office Siwan,
Management Representative.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Prabhat Ranjan Singh with Mr. Ajay Kumar
Tiwary, Advocates

For the Respondents : Mr.Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 07-11-2019

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has been dismissed from
service of the Bank vide order dated 11.09.2015.
The Rules of the Bank provided for an appeal
against the order of dismissal which was to be
preferred within 45 days. The petitioner was
served with the order of punishment as per Bank's
case on 19.09.2015. The appeal, thus, was to be



filed by the 2nd week of November, 2015. Having regard to the said circumstance, the Review was not entertained by the Bank Authorities.

3. The petitioner's counsel submits that on account of illness and lack of knowledge, he could not prefer his appeal within the stipulated time. In the circumstance, he has been deprived of his remedy of appeal and the subsequent remedy of review.

4. The plea of lack of knowledge regarding existence of remedy of appeal cannot be entertained in respect of the petitioner who was working as a 'Cashier' in the Bank. It is also submitted by the petitioner's counsel that prior to serving in the Bank, he had served in the Air Force. This Court would, therefore, refused to entertain the plea regarding lack of knowledge of the Rules of the Bank under which he has participated in the proceedings, wherein, the order of dismissal has been passed. Illness of the petitioner is a ground which would find worth consideration to grant him an opportunity to avail of the remedy of appeal



before the Appellate Authority.

5. Counsel for the Bank submits that he would require some time for filing a counter affidavit. Since this Court is not proceeding to adjudicate the issue, such counter affidavit may not be required, for the present.

6. This Court is of the opinion that if the petitioner is allowed an opportunity of availing the Appellate remedy then the issue may be considered by the Appellate Authority in its true perspective. The fact that the period for filing the appeal lapsed, in the background of the plea of illness raised by the petitioner, is not of much significance. Petitioner's counsel submits that he would not be casting any liability on the Bank on account of the delay occasioned in filing the appeal, if this Court would allow an opportunity to avail the same.

7. The interest of justice would be served by allowing an opportunity to the petitioner to approach the Appellate Authority against the order of dismissal dated 11.09.2015. If the petitioner is



desirous of availing the remedy, he should move the Appellate Authority within a period of four (04) weeks from the date of receipt/production of a copy of this judgment.

8. The writ petition is disposed off with the aforesaid liberty.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.11.2019
Transmission Date	N/A

