

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1868 of 2016

=====

Rajendra Upadhyay @ R. Upadhyay son of late Ram Niwas Upadhyay,
Resident of Village- Murarpur, P.O- Gundi, P.S.- Krishnagarh, District
Bhojpur, at present residing at New Mainpur 440, Ward No- 10, Danapur, P.O.
P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. Punjab National Bank and Ors
2. The General Manager, Human Resources, Development Department, Punjab National Bank, Head Office 7 B
3. The Deputy General Manger The Circle Heed Punjab National Bank, Patna Circle, Chanakya Tower. R. B null null

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Respondent/s : Mr.Rajnandan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 14-03-2019

It is submitted by petitioner's counsel that the order of punishment dated 19.10.2015 is ambiguous and arbitrary in as much as the same does not specify the period for which the petitioner has been brought down to one lower stage in the scale of pay that he was getting.

Counsel for the respondent Bank referring to averments made in para 14 of the counter affidavit has submitted that the petitioner has been brought down to the lower stage in this time scale of pay only up til 01.12.2012.

From the averments made in the counter affidavit it is evident that on 01.12.2013 the next due annual graded



increment has been provided to the petitioner by putting him on the basic salary of Rs. 14400/-. Thereafter the counter affidavit reveals that the subsequent annual graded increments have also been granted to the petitioner. In the circumstances non-specifying of the period has the effect that the punishment order has been made effective for minimum possible period i.e., only for one year. The specific averments made by respondents in the counter affidavit have not been denied or disputed by the petitioner.

In view of the undisputed averments made in the counter affidavit, this Court would find that the submission of the counsel for the petitioner that by not specifying the period the order of punishment is arbitrary, is without any basis.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

