

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.243 of 2019

In

Civil Writ Jurisdiction Case No.24149 of 2018

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Baldeo Prasad Gupta, Son of Late Shambhu Prasad Gupta, Karta of a joint Hindu Family, Resident of Village and Post Office and Police Station at Karmatar, Dist- Jamtara (Jharkhand), formerly working as Senior J.M. Grade I office in Bank of India, Presently stay at Patna, 106-B, Maha Laxmii Apartment, E B C Road, Patna 800001, Mol. No. 9431032743,

... ..Petitioner- Appellant/s

Versus

1. The Chairman Cum Managing Director, Bank of India
2. The Executive Director cum Review Authority, Bank of India
3. The General Manager cum Appellate Authority, Bank of India, Address- 1 to 3 Head Office Star House, Bandra Kurla Complex, Bandra (East) Mumbai- 400051
4. The Zonal Manager cum Disciplinary Authority, Bank of India, Zonal Office, Chanakya Palace, Ist Floor, Birchan Patel Marg, Patna 800001
5. The Branch Manager, Dehri-on-Sone, Giridih, Sindri and Patna (Main) Banches- Bank of India, P.O.- Deheri On Sone Dist- Rohtas (Bihar)
6. ICICI Orudential Life Insurance Co. Ltd. through its the Chairman cum Managing Director Corporate/Head Office, ICICI Prulife Tower, Appasaheb Marg, Prabha Devi, Mumbai- 400025
7. The Branch Manager/Incharge, ICICI Prudential Life Insurance Co. Ltd. Patna Branch, Uma Complex, 4th Floor, Frazer Road, Near Door Darshan Kendra Patna- 800001
8. ICICI Prudential Mutual Fund Co. Ltd. through its The Chairman cum Managing Director, Corporate/Head Office One BKC Wing, 13 floor Bandra Kurla Complex, Bandra (East) Mumbai 400051
9. The Branch Manager/In-charge, ICICI Prudential Mutual Fund Co. Ltd Patna Branch, Kashi Palace 1st Floor Near Dakbungla Chowk/Mouriya Complex, Patna- 800001
10. ICICI BANK Ltd. through its The Chairman cum Managing Director, Head Office, ICICI Bank Building, Bandra Kurla Complex, Bandra (East) Mumbai- 400051



11. The Branch Manager, ICICI Bank Ltd. Boring Road Branch Near Boring Road, Chowraha, Patna- 800001.

... .. Respondents- Respondent/s

Appearance :

For the Appellant/s : Mrs. Soni Shrivastava, Amicus Curaie
Mr. Baldeo Prasad Gupta, (In Person)

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 : 18-07-2019

The Court had appointed Mrs. Soni Shrivastava as the *Amicus Curaie* in this appeal who has very ably assisted the Court.

Simultaneously, we have also heard Shri Baldeo Prasad Gupta, the appellant in person, who has urged that the Bank has withheld information and has not intimated him about the correct status of the bank accounts or the reason for it's seizure nor the details of any amount which was beyond the alleged defalcated amount. He contends that the Bank having not provided any appropriate information and having not been able to satisfy as to why the seizure had taken place, this Court should interfere as the learned Single Judge has committed an



error in proceeding to dismiss the writ petition.

We have considered the submissions raised and we find that the main grievance of the appellant appears to be as if the seizure of the account was unjustified. This argument cannot be accepted, inasmuch as, the disciplinary proceedings were initiated against him with regard to allegations of fictitious credit entries having been made by the appellant in his account as well as in the accounts of his wife and relatives. This charge was found to be proved and the appellant was dismissed from service and the dismissal order has attained finality up to the Apex Court. In this background, it is not open for us in the exercise of jurisdiction under Article 226 of the Constitution of India to probe into the reasons for the seizure of the account which is apparent due to the charges that were levelled against the appellant.

We tried our best to seek any material or information with regard to any other deposit having been made by the appellant in his account or in the accounts of his wife and relatives, but in the absence of any material, it is not possible to accept any of the contentions raised on behalf of the appellant. The learned Single Judge, therefore, was justified in not entertaining the writ petition.



We dismiss this appeal without prejudice to the rights of the appellant to approach the appropriate forum for the redressal of his grievances with regard to surviving claim.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Sunil/-

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CAV DATE	
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