

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12450 of 2014

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Doman Choudhary son of Late Dukhan Choudhary resident of Mohalla - Chhatar Darwaza, Ward no - 10, Daud Nagar, District - Aurangabad.

... .. Petitioner

Versus

1. The Madhya Bihar Gramin Bank Meena Plaza, South of Museum Patna - 1.
2. The Chairman, Madhya Bihar Gramin Bank, H/P Meena Plaza, South of Museum Patna - 1.
3. General Manager, Madhya Bihar Gramin Bank, H/O Meena Plaza, South of Museum, Patna - 1.
4. Regional Development Officer, Madhya Bihar Gramin Bank, Aurangabad.
5. The Enquiry Officer Cum Manager Kaler, Madhya Bihar Gramin Bank, Aurangabad.
6. The Presenting Officer Cum Manager, Biadrabad, Madhya Bihar Gramin Bank. Biadrabad Madhya Bihar Gramin Bank
7. Manager Loan and Advance Madhya Bihar Gramin Bank, Aurangabad.
8. Sri S.B. Dubey - Preliminary Enquiry Officer, Madhya Bihar Gramin Bank, Aurangabad, at present posted at Dehri Rohtas
9. Sri Anup Kumar Srivastava, Assistant Enquiry Officer, Madhya Bihar Gramin Bank, Aurangabad.
10. The Branch Manager, Madhua Bihar Gramin Bank, Ushari, District - Arwal.
11. The Vigilance Officer, Madhya Bihar Gramin Bank, H.O. Meena Plaza, Patna - 1.
12. The Director of Appellate Board, Madhya Bihar Gramin Bank, Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Parashuram Singh
For the Respondent/s	:	Mr. Prashant Vedasen
		Mr. Subhash Chandra Bose

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 09-07-2019 The petitioner, who was a Branch Officer in the respondent Bank, was proceeded against on account of some alleged irregularities in sanctioning of loans. The petitioner has been awarded punishment of dismissal from service by order



dated 20.3.2012 passed by Chairman of the respondent Bank. The same was challenged in CWJC No. 1245 of 2014. On 17.1.2014 this Court relegated the petitioner to the remedy of appeal under Regulation 49 of the Madhya Bihar Gramin Bank (Officer and Employees) Service Regulation 2010. Petitioner's limited complain is that he has not been afforded opportunity of hearing by the appellate authority.

Counsel appearing for the respondent Bank submits that the petitioner had chosen not to participate in the proceedings before the Enquiry Officer. He has submitted that the Appellate Authority after taking into consideration entire records and relevant documents has passed the appellate order. In the circumstances the petitioner cannot be prejudiced by the order as everything has been considered by Appellate Authority .

The issue is only whether the petitioner was required to be heard by the Appellate Authority or such an order could have been passed. The answer has to be in the negative. The Appellate Authority could not have passed the order without giving an opportunity of hearing to the petitioner, as has been done.

The order dated 23.4.2014 passed by Appellate Authority therefore is unsustainable in law. The same is



quashed. The matter is remanded to the Appellate Authority. The petitioner should ensure appearance before the Appellate Authority within a week. In the event he presents himself before the Appellate Authority within a week, decision should be taken by Appellate Authority after affording him an opportunity of hearing in the matter expeditiously without any undue delay and preferably within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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