

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21882 of 2014

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Ram Kishore Prasad Son of Late Rameshwar Prasad Resident of Mohalla -
Shankar Sonar Lane, P.O. - New Godown, P.S. - Kotwali, District - Gaya.

... .. Petitioner

Versus

1. The Chairman Madhya Bihar Gramin Bank, Head Office Meena Plaza South of Museum Patna 800001
2. The General Manager, Madhya Bihar Gramin Bank, Head Office, Meena Plaza Patna - 800001.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dileep Kumar Jha Mr. Diwakar Yadav
For the Respondent/s	:	Mr. Mahesh Narayan Parbat, Sr. Advocate Mr. Ved Prakash Srivastava

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 29-04-2019

Heard learned Counsel for the petitioner and the respondent Bank.

The brief facts giving rise to the instant petition is that upon issuance of charge memo, while serving the respondent Bank, the petitioner was subjected to a proceeding. There were many charges leveled against the petitioner. In view of nature of the order that this Court proposes to pass and having regard to the submissions made by Counsel for the petitioner, this Court does not consider it appropriate to go into details of the charges.

Some of the charges were found not to be proved by the Enquiry Officer. The Disciplinary Authority disagreeing with the



findings of the Enquiry Officer had proceeded against the petitioner, however, without assigning any reasons for differing with the findings of the Enquiry Officer. In the circumstances, this Court in the earlier writ proceeding at the instance of the petitioner arising out of CWJC No. 2137 of 2004 remanded the matter for proceeding afresh from the stage of issuance of second show cause by the Disciplinary Authority. The order had been passed since this Court was of the opinion that the Disciplinary Authority did not assign reasons for differing with the findings of the Enquiry Officer and that the order of the Disciplinary Authority was outcome of a procedure which was in violation of the law as considered by the Apex Court in the case of ***Punjab National Bank vs. Kunj Behari Mishra*** reported in ***(1998) 7 SCC 84***.

The petitioner had challenged the order of the writ Court in LPA No. 995 of 2011. The Division Bench did not interfere with the order of the Single Judge and the order dated 6.5.2011 passed in CWJC No. 2137 of 2004 was affirmed by the Division Bench. Pursuant thereto the petitioner was again visited with an order of punishment. He approached the Appellate Authority by filing his appeal which is dated 13.5.2013. The same was rejected by the Appellate Authority. The petitioner thereafter again moved this Court challenging the order of the Appellate Authority as being



without assigning any reason. This Court remanded the matter for consideration afresh dealing with the grounds of the petitioner in his memo of appeal. A detailed and elaborate order has been passed by the Appellate Authority which is dated 23.4.2014 dealing with all the issues raised by the petitioner. The appeal has been dismissed and the punishment imposed upon the petitioner of compulsory retirement has been affirmed by the Appellate Authority.

Petitioner's Counsel submits that entire procedure adopted by the authorities is in violation of the mandate of this Court in the earlier proceeding arising out of CWJC No. 2137 of 2004 inasmuch as no fresh charge memo was issued upon the petitioner after remand of the matter by this Court in CWJC No. 2137 of 2014. The other submission is that the criminal proceeding arising out of the same allegation has already concluded in acquittal of the petitioner.

Regarding the first submission, this Court would observe that the submission made by Counsel for the petitioner is nor born from the order of this Court in the proceedings arising out of CWJC No. 2137 of 2004. In the earlier writ proceedings, this Court had only directed to proceed afresh from the stage of second show cause. The same has been complied by the respondent



authorities. There was no direction for issuing a fresh charge memo. The submission of the petitioner's Counsel, therefore, does not merit any consideration.

The fact of the petitioner's acquittal in the criminal proceeding has also been considered by the respondent authorities and a detailed and elaborate order, passed by the Appellate Authority by assigning reasons, is on the record in the present proceedings. This Court, however, would leave it open to the petitioner to approach the Appellate Authority for reconsideration of quantum of punishment, having regard to his acquittal in the criminal proceeding arising out of Narhat PS Cased No. 92 of 2000.

Counsel for the petitioner submits that he will be approaching the Appellate Authority for toning down the punishment within two weeks. In the event the same is done, the Appellate Authority should consider the same expeditiously and without any undue delay at the next meeting of the Board.

The writ petition stands dismissed.

SNkumar/-

(Madhuresh Prasad, J)

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

