

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4796 of 2011

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Ajit Kumar Son of Mr. Ram Jatan Rai Resident of Mainpura, Rajapur, P.S.
Patliputra, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Bank of India through the Deputy Managing Director (Appeal & Revenue) Deptt., Corporate Centre, Mumbai.
2. The State Bank of India, Through The General Manager, Judges Court Road, Patna
3. Deputy General Manager (O & C) N.W.-1 and Appellate Authority, State Bank Of India, Administration Office, J. C. Road, Patna.
4. Assistant General Manager, (Admin. & Disciplinary Authority), Zonal Office, J.C Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Adv. Mr. Ravindra Kumar Shukla, Adv.
For the Respondent/s	:	Dr. Binod Bihari Sinha, Adv. Mr. Ajay Dutt Mishra, Adv. Mr. Amarjeet Chaudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 08-02-2019

Heard learned counsel for the petitioner and counsel for the State Bank of India.

In the present case, the petitioner is challenging the order of punishment dated 11.5.2010 (Annexure-12) and the order of the appellate authority dated 14.6.2010, whereby and whereunder, the appeal of the petitioner has also been rejected.

The petitioner was proceeded departmentally for a serious lapse as having been made an allegation that he has over drawn money for 72 times and, for that, the proceeding was initiated against him as well as a criminal case was also lodged against him but, in the meantime, he had deposited the money.



The order of penalty, which has been passed by the Disciplinary Authority, is bereft of reasoning, is a ground of challenge by the petitioner and the same wrong has been committed by the appellate authority. He has also not applied his independent mind when the law is very much clear that the appellate authority is also required to deal with the objection that has been taken in the memo of appeal but, he failed to observe the same.

Learned counsel for the State Bank of India has tried to justify the orders passed by both the authorities, vehemently opposed the prayer of the petitioner submitting that as he has accepted the allegation mentioned in the charge-sheet, so, the punishment is not required to be interfered with.

As the Disciplinary Authority, after receipt of the objection by the petitioner, was required to consider the same and was to take a decision in accordance with law assigning reasons which must be reflected from the order itself but, the same is absent. The order of the appellate authority also suffers from same illegality.

In that view of the matter, the order punishment dated 11.5.2010 as well as the order passed by the appellate authority dated 14.6.2010 are set aside and the matter is remanded back to



the Disciplinary Authority who will consider the objection of the petitioner filed by him and will take a decision by passing a reasoned order in accordance with law.

With the aforementioned observation, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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