

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1598 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 7114 of 2010

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Mukesh Kumar (aged about 60 years), Son of Shri Krishna Nandan Prasad,
Resident of Muhalah- Rajendrapuri (Kalam Bagh Road) Police Station- Kazi-
Muhammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1.The Samastipur Kshetriya Gramin Bank through Mr. Arbind Kumar
Shekhawat (Sponsored by State Bank of India) (Now Known as Bihar
Gramin Bank) Head Office at Begusarai.

2. The Chairman, through Mr. Arbind Kumar Shekhawat, Samastipur
Kshetriya Gramin Bank, Head Office at Samastipur, District- Samastipur. Now
known as Bihar Gramin Bank.

3. The Chairman-cum-Disciplinary Authority Mr. Arbind Kumar Shekhawat,
Kshetriya Gramin Bank, Head Office at Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. M. N. Parbat, Sr. Advocate

Ms. Sudha Ambastha, Advocate

For the Bank : Mr. Ranjeet Kumar Pandey, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 04-07-2019

Heard learned counsel for the petitioner and Bihar
Gramin Bank (opposite parties) (hereinafter referred to as the
'Bank').

2. The petitioner has alleged violation of the judgment
and order dated 07.10.2015 passed in CWJC No. 7114 of 2010.

3. By the said order, the Court had allowed the writ
petition in the following terms:

*“However, in the present case, the
disciplinary authority has straightway recorded its
finding without asking comments of the delinquent
and issued show-cause notice on the proposed
punishment. He has partly disagreed with the*



findings recorded by the enquiry officer so far Charge no. 1 is concerned but on that also he had never issued notice. Though he had recorded reasons for disagreement but the delinquent was never given any opportunity to comment on it. The appellate authority has also not applied its mind in view of the aforesaid judicial pronouncements which holds the field till date.

In my view, both the impugned orders cannot be sustained and the same are quashed and set aside. The matter is remitted back to the disciplinary authority for fresh consideration.

However, since copy of the inquiry report is already in possession of the petitioner, the disciplinary authority would be at liberty to ask for comment of the petitioner upon the finding of the enquiry officer straightway and, thereafter, he would proceed in accordance with law.

This application stands allowed.

Till a final decision is taken, since the petitioner was already suspended, he will remain under suspension and, for the concerned period, he would be entitled for subsistence allowance also in accordance with law.”

4. It appears that pursuant to the same, though the petitioner would, in the natural course of events have superannuated on 31.01.2016, but the proceedings were continued even after that and ultimately by order dated 28.06.2018, he has been removed from service which shall not be a disqualification for future employment. In terms of the order of the Court, payments have been made to the petitioner, details of which are in Annexrure C, which is copy of letter issued by the General Manager of the Bank dated 08.02.2018 to the petitioner. From the



aforesaid, it appears that the order of the Court 07.10.2015 has been complied with.

5. Accordingly, the application stands disposed off.

6. However, the petitioner shall be liberty to challenge both the orders dated 28.06.2018 with regard to his removal from service as well as his entitlement for payment under various heads even in terms of such order of removal before the appropriate authority in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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