

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.822 of 2019

In

Civil Writ Jurisdiction Case No.11554 of 2014

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1. The Punjab National Bank through its Chairman-cum-Managing Director, Corporate Office, at plot No. 4, Sector 10, Dwarka, New Delhi-110075.
 2. Chairman cum Managing Director, Punjab National Bank, Corporate Office, at plot No. 4, Sector 10, Dwarka, New Delhi-110075.
 3. The General Manager, Human Resource Development Division, Punjab National Bank, Corporate Office, at plot No. 4, Sector 10, Dwarka, New Delhi-110075.
 4. The Assistant General Manager, Human Resource Development Division, Punjab National Bank, Corporate Office, at plot No. 4, Sector 10, Dwarka, New Delhi-110075.
 5. Chief Manager Human Resource Development Division, Punjab National Bank, Corporate Office, at plot No. 4, Sector 10, Dwarka, New Delhi-110075.
 6. The Senior Manager, Zonal Training Centre, Punjab National Bank, P-333 Late Town, Block A, Kolkata-700089.

... .. Appellant/s

Versus

Abhishek Kumar, S/o Sri Anil Kumar Choudhary, Resident of Chaudhary Mansion I.B.S. Path, New Paharpur, Police Colony, Anishabad, P.S. Gardanibagh, District-Patna, Pin Code-800002.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Nandan Prasad, Advocate
For the Respondent/s : Mr. Niranjana Kumar, Advocate



CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-10-2019

Re. I.A. No. 2 of 2019:

Heard learned counsel for the appellants.

2. The aforesaid interlocutory application has been filed seeking condonation of delay of 80 days in filing the present appeal.

3. We find sufficient cause having been shown to condone the delay.

4. The I.A. No. 2 of 2019 stands allowed.

Re. L.P.A. No. 822 of 2019:

We have heard Shri Raj Nandan Prasad, learned counsel for the appellants/Bank and Mr. Niranjan Kumar, learned counsel for the respondent/employee.

2. Learned counsel for the appellants contends that the quashing of the order and the direction of reinstatement while issuing another direction for deciding the representation is an incompatible order inasmuch as, the respondent does not deserve to be



reinstated so long his representation is not considered by the Bank.

3. We have considered the submissions raised and we are not reproducing the facts in detail as it is already contained to the impugned judgment dated 29.03.2019.

4. We find that the learned Single Judge has rightly applied the law on the issue and has arrived at a conclusion that the employer was required to consider whether in the circumstances of the case, the alleged suppression did amount to any disadvantage against the respondent so as to terminate his services. This assessment having not been done, the learned Single Judge, in our opinion, has rightly quashed the order dated 12th of May, 2014 and has balanced the equities by issuing directions for deciding the representation as against also with regard to service benefits in Paragraph 24 of the impugned judgment.

5. We, therefore, do not find any reason to interfere with the impugned judgment.



6. The appellants/Bank shall proceed to take a decision as directed by the learned Single Judge after giving an opportunity to the respondent/petitioner.

7. The writ petition stands disposed off.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Praveen-II/Shageer

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.10.2019
Transmission Date	N/A

