

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16172 of 2019

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Sidharshi Kumar Pandey Son of late Yogendra Nath Pandey, Resident of Manik Sarkar Ghat Road, Behind Kali Bari, Bengali Tola, P.S. Adampur Town, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The UCO Bank through its Managing Director and Chief Executive Officer, Head Quarter, Kolkata, West Bengal.
2. The Managing Director and C.E.O. UCO Bank, Head Office, Kolkata, West Bengal.
3. The General Manager-H.R.M. UCO Bank, Head Office, Kolkata, West Bengal.
4. The Zonal Manager, UCO Bank, Bhagalpur Zone, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Advocate
For the Respondent/s : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-08-2019 Heard the learned counsel for the parties.

The petitioner is aggrieved by the order dated 21.05.2019 passed by the Zonal Manager, UCO Bank, Bhagalpur Zone, whereby the majority of the claim of the petitioner being consequential monetary and other promotional benefits to which he was entitled after setting aside of the order of dismissal by a Bench of this Court, has been rejected.

To recount the facts, the petitioner was earlier



dismissed from service, which order of dismissal did not find favour with the Court and the matter was remitted to the authority to put the petitioner to a proper departmental proceeding. Consequently, the petitioner was again subjected to departmental proceeding and was dismissed from service again.

This time also the order was challenged vide C.W.J.C. No. 6736 of 2009 in which the Bench hearing the matter passed an order on 10.08.2018 holding the decision of the Disciplinary Authority to be wholly unjustified in view of such order being a non-speaking order and also because the conclusions arrived at were based on no material. Consequentially, the appellate order which sustained the order of the Disciplinary Authority was also set aside and it was declared that the petitioner would be entitled to the consequential benefits in accordance with law.

The petitioner made a detailed representation before the respondent bank on 06.04.2019 and



17.04.2019 but only part of the claim of the petitioner has been allowed whereas the rest of the claim which are as important as the one which has been given to the petitioner, have not been paid.

The details of the payment made by the bank under different heads have been noted down in paragraph 20 of the writ petition. What has not been paid to the petitioner is the notional promotion to him to which he was entitled but for the pendency of the departmental proceeding and his dismissal, the option of choosing the mode of pension and certain other benefits and the arrears of salary after the grant of notional promotion has not been given to the petitioner.

The aforesaid claims of the petitioner need to be addressed and necessary order be passed.

Should the petitioner make a fresh representation before the UCO bank within a period of two weeks from today, charting out the left over consequential benefits, monetary as well as promotional,



the same shall be disposed off by a reasoned order within a further period of eight weeks thereafter.

Needless to state that if the claim of the petitioner is found to be tenable, necessary consequential order shall be passed within the aforesaid period. It is also made clear that if the claim of the petitioner is not found to be tenable, reasons for not accepting the plea of the petitioner be recorded and communicated to the petitioner.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

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