

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10136 of 2006

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Mahesh Pandit aged about 47 years son of Shivdayal Pandit, Kashipur,
Sonbarsa Chowk, P.S. Samastipur Mufassil, District- Samastipur

... .. Petitioner/s

Versus

1. Samastipur Kshetriya Gramin Bank through its Chairman, Samastipur.
2. Chairman, Samastipur Kshetriya Gramin Bank, Samastipur.
3. Board of Directors Samastipur Kshetriya Gramin Bank, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rupak Kumar, Advocate
For the Bank	:	Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-11-2019

Heard learned counsel for the petitioner and
learned counsel for the Respondent-Bank.

2. The petitioner, who was a Junior Manager Grade-I in the services of the respondent-Bank has been visited with an order of punishment dated 07.08.2004 removing him from the services of Bank.

3. It is pointed out by Mr. Rupak Kumar, appearing for the petitioner that a detailed and elaborate appeal (Annexure-15) had been submitted by the petitioner on 24.09.2004 against the order passed by the Disciplinary Authority. Appeal of the petitioner has been rejected by the



Board of the Bank. A communication of its rejection is by order dated 01.02.2005 (Annexure-1).

4.The submission is that apart from the fact that order merely communicates conclusion without reasons, in support of the conclusion, the other submission is that it is also bad for want of fairness, inasmuch as, the same is signed by the same individual who was the petitioner's Disciplinary Authority.

5. Having inflicted a punishment against the petitioner the incumbent on the post of Chairman-cum-Disciplinary Authority has participated in the Board proceedings and himself communicated rejection of his appeal as an Appellate Authority by the communication dated 01.02.2005.

6. The counsel for the Respondent-Bank submits that Records would reveal that petitioner has, in fact, expressed admission of the charges levelled against him. It is no matter that the Chairman is Presiding Officer of the Board of Directors because merits of the appeal, preferred by the petitioner have been deliberated by the



entire Board and decision is one of consensus in the Board meeting.

7. Such submissions which are based on the averments made in the counter affidavit are not born from the order of the Appellate Authority. The same does not contain any deliberation or reasons in support of the conclusion. It is a communication of bare conclusions without reasons in support of the same. Even if the Board had deliberated over the issue, this Court would hold that petitioner is fully justified in alleging a reasonable likelihood of bias, since the same individual who had passed the order of punishment as the Disciplinary Authority was presiding over the Board when the appeal of the petitioner was being considered by the Board.

8. The interest of the justice would thus be served by remanding the matter before the Appellate Authority (Respondent No.2) for consideration afresh by a reasoned and speaking order. Since the individual who has passed order of punishment against the petitioner would no longer be the chairman of the Board today as per



submission of the counsel for the Bank, this Court would direct the Appellate Authority i.e. Chairman Samastipur Kshetriya Gramin Bank Samastipur (Respondent No.2) to take a decision in respect of the appeal of the petitioner expeditiously and without undue delay.

9. Learned counsel for the Bank submits that since the matter is being remanded, he may be given an opportunity to supplement his appeal by any grounds, which, due to inadvertence, may have been omitted in the memo of appeal earlier filed. Since the decision has to be taken afresh this Court would allow the petitioner four (04) weeks time for placing on record any supplement to the memo of appeal before the Appellate Authority i.e. Chairman, Samastipur Kshetriya Gramin Bank Samastipur (Respondent No.2). The Appellate Authority i.e. Chairman, Samastipur Kshetriya Gramin Bank Samastipur (Respondent No.2) should take decision on the petitioner's appeal expeditiously and preferably within a period of eight (08) weeks thereafter.



10. In order to facilitate the consideration afresh the order of the Appellate Authority dated 01.02.2005, as contained in Annexure-1 to the writ petition, is hereby quashed.

11. The writ application stands disposed off with the liberty aforesaid.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.11.2019
Transmission Date	N/A

