

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6630 of 2007

1. Shankar Lal Rajan, S/o Prayer Lal Rajan aged about 47 years, Occupation – Branch Manager, Sarguja Kshetriya Grameen Bank Janakpur, Distt. Korla (C.G.)

---- Petitioner

Versus

1. Sarguja Kshetriya Grameen Bank, through Chairman, Head Office, Kumar Complex, Mahamaya Chowk, Ambikapur, District – Sarguja (C.G.)
2. Board of Directors, Sarguja Kshetriya Grameen Bank, Head Office, Head Office, Kumar Complex, Mahamaya Chowk, Ambikapur, District – Sarguja (C.G.)
3. Chairman, Sarguja Kshetriya Grameen Bank, Ambikapur, Head Office, Kumar Complex, Mahamaya Chowk, Ambikapur, District – Sarguja (C.G.)

---- Respondents

For Petitioner	:	Shri A. K. Yadav, Advocate
For Respondents/Bank	:	Shri N. Naha Roy, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Order on Board

08.02.2019

1. Heard counsel for the Petitioner and counsel for the Respondents-Bank.
2. Without expressing any opinion on other aspects of the matter, one contention of the Petitioner is sustainable that the order dated 14.12.2006 passed by the Board of Directors acting as an Appellate Authority has mechanically rejected the appeal without application of mind.
3. The impugned order by itself indicates that no reason as such has been assigned for sustaining the order of punishment passed by the Disciplinary Authority.
4. Such non-speaking orders, therefore, cannot stand judicial scrutiny and one fit to be set aside.
5. The Court also notices that a very detailed explanation had been offered by the Petitioner in his memo of appeal and none of those issues, obviously, were considered or even if considered, not reflected.

6. Since by reading the impugned order, the Court does not have any mechanism to peep into the minds of the decision maker, therefore, the said order is set aside and matter is remanded back to pass a fresh order, which must be speaking one.
7. Writ application is allowed on the above ground itself.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice