

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4115 of 2008

- Balkrishna Sharma, S/o B. K. Sharma, aged about 45 years, IInd Officer, Kshetriya Gramin Bank, Branch Farasgaon, Tahsil Kondagaon, District Bastar, C.G.

---- Petitioner

Versus

1. The Chhattisgarh Gramin Bank, Head Office, Recreation Road, Choubey Colony, Raipur (C.G.)
2. The General Manager, Chhattisgarh Gramin Bank, Zonal Office, Hatkachora, Jagdalpur, District Bastar, C.G.

---- Respondents

For Petitioner
For Respondents

Shri M. K. Bhaduri, Advocate
Shri N. Naha Roy, Advocate

Hon'ble Justice Shri Prashant Kumar Mishra

Order on Board

24/10/2019

1. Petitioner was visited with penalty of stoppage of one increment of the year 1987, which was to affect his future increments and as such, the penalty of stoppage of one increment was with cumulative effect. Against this order (Annexure-P-3) dated 23.09.1988, the petitioner preferred an appeal before the Appellate Authority through the Chairman of the Bastar Kshetriya Gramin Bank. The said Chairman passed an order (Annexure-P-4) dated 27.02.1998 intimating the Manager of the Bank to inform the petitioner that his appeal being barred by limitation, the same cannot be forwarded to the Appellate Authority i.e. the Board of Directors of the Bank.

2. After hearing learned counsel for the parties, I am satisfied with the argument raised by learned counsel for the petitioner that even if the appeal was barred by limitation, the decision either to condone the delay or to dismiss the appeal in *limine* as barred by limitation is to be reached by the Appellate Authority. The Chairman of the Bank, who himself imposes the penalty, at the first instance, cannot refuse to forward the appeal to the Appellate Authority.
3. In view of the above, the order (Annexure-P-4), which is a communication intended to be served on the petitioner, and the consequent communication to the petitioner vide Annexure-P-6 dated 11.03.2008 are quashed and the matter is remitted back to the Chairman of the Bank or the Authority who is now functioning at par with the then Chairman of the Bank to forward the petitioner's appeal to the Appellate Authority within 30 days from today. The appellate Authority shall thereafter decide the petitioner's appeal in accordance with law.
4. It is made clear that this Court has not expressed any opinion on the petitioner's plea for condonation of delay or on merits of the appeal.
5. The writ petition stands disposed of in the above stated terms.

Sd/-
Prashant Kumar Mishra
Judge

Nirala