

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 78 of 2020**

*{Arising out of order dated 15.05.2018 passed by the learned Single Judge in Writ
Petition (S) No. 2252 of 2018}*

1. Industrial Development Bank of India Limited (IDBI Bank) Through: Chief Managing Director, IDBI Tower, WTC Complex, Cuffe Parade, Mumbai-400005
2. General Manager (Business), Industrial Development Bank of India Limited (IDBI Bank) Zonal Office, IDBI House Janpath, Unit-9, Bhubaneswar-Orissa, 751022
3. Deputy General Manager, Chhattisgarh-II Regional (Regional Head), Industrial Development Bank of India Limited, (IDBI Bank), Opposite Rama Post, Vyapar Vihar, Main Road, Bilaspur, District Bilaspur (C.G.)

---- Appellants**Versus**

- Mihir Pratap Samantaray, S/o N.N. Samantaray, aged about 36 years, Assistant Manager, Grade "A", Industrial Development Bank of India Limited (IDBI Bank), Opposite Rama Port, Vyapar Vihar Main Road, Bilaspur, District Bilaspur (C.G.)

---- Respondent

For Appellants	:	Shri B. Gopa Kumar and Shri Vaibhav P. Shukla, Advocates.
For Respondent	:	Shri Anurag Dayal Shrivastava, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****23.01.2020**

1. This appeal has been filed by the Respondent-Bank in the writ petition who is the employer of the Respondent/writ Petitioner herein. The grievance is against the interim order passed by the learned Single Judge, whereby the disciplinary proceedings initiated against the Respondent came to be stayed. It is stated that the same is having the 'final effect' and hence the appeal.

2. Heard Shri B. Gopa Kumar, the learned counsel appearing for the Appellants as well as Shri Anurag Dayal Shrivastava, the learned counsel representing the Respondent.
3. The case of the Appellant is that the Respondent, while working as Assistant Manager in Dhenkanal Branch, Odisha committed some serious misconducts; pursuant to which disciplinary proceedings were set in motion. It was accordingly, that a charge-sheet was issued to him and the very next moment he rushed to this Court by filing a Writ Petition No. 2252 of 2018 seeking to quash the same. The learned Single Judge, as per order dated 15.05.2018, granted an interim order to the effect that no final order shall be passed in the departmental enquiry till the Respondent-Bank filed their reply. It is stated that the reply was filed by the Appellant, but the interim order was not vacated, despite the prayer made in this regard and time was sought for by the Respondent to file rejoinder on 11.11.2019. The matter was adjourned to 17.12.2019, when again the interim order came to be extended and the case was ordered to be listed after 'six weeks'.
4. The learned counsel for the Appellant submits that, by virtue of the interim order passed by this Court, substantial prejudice has been cause to the Appellant. The Respondent is continuing on suspension and subsistence allowance is being paid without extracting any work from him. The attempt of the Petitioner is only to protract the proceedings.
5. The learned counsel appearing for the Respondent submits that the version of the Appellant is not correct and that disciplinary proceedings have been initiated without following the norms stipulated in this regard. Another case is already pending as Writ Petition No. 6443 of 2018, which is having a close bearing with the issue projected herein. It is also point out that an undertaking was given by the Appellant/Bank who is a Respondent in the said case that no final order

would be passed. We do not find it necessary to go into the facts and figures of the said dispute which is pending before this Court.

6. With regard to the maintainability of the appeal, it is to be noted that the right of appeal is a statutory right as conferred under Section 2 of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 (for short, 'Act of 2006'). By virtue of the proviso under Section 2(1) of the Act of 2006, no appeal is maintainable from interim orders passed by this Court. That apart, the present appeal has been preferred with an inordinate delay of 551 days in filing the same.
7. The learned counsel for the Respondent submits that there is absolutely no basis for the insinuation levelled against the Respondent that the matter is being protracted by the Respondent. The learned counsel submits that the counsel is ready to argue the matter and that the merit of the case can be considered and decided by the learned Single Judge on any day as mentioned above.
8. After hearing both the sides, we hold that the appeal is not maintainable, by virtue of the statutory bar. For the said reason, both the application for condonation of delay and the appeal stand dismissed. However, we express our hope and desire that the matter may be finalized by the learned Single Judge as expeditiously as possible, after hearing both the sides. We also make it clear that, we have not mentioned anything with regard to the merits of the case.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge