

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.699 of 2019

In

Civil Writ Jurisdiction Case No.1479 of 2017

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1. Allahabad Bank through its Zonal Manager, Muzaffarpur Zone, Om Shanti Complex, Zila School, Main Road, Muzaffarpur.
 2. Zonal Manager, Allahabad Bank, Muzaffarpur Zone, Om Shanti Complex, Zila School, Main Road, Muzaffarpur.
 3. Branch Manager, Allahabad Bank, Akhta Branch, Sitamarhi.

... .. Appellant/s

Versus

1. The Presiding Officer Central Government Industrial Tribunal, Officers Flat No. 10,12/84, New Punai Chak, Patna.
2. Yogendra Meshtar son of Ram Deo Meshtar Resident of Village and P.O. Rebasi, P.S. Rega, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajan Ghoshrahe, Adv
For the Respondent/s : Mr. Praveen Kumar, Adv

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 02-03-2021

Heard learned counsel for the parties.

This LPA under Clause 10 of Letters Patent Appeal has been preferred for setting aside the judgment and order dated 08.05.2019 passed by learned Single Judge in CWJC No. 1479 of 2017, dismissing the writ petition.

Appellant-Allahabad Bank had filed writ petition for quashing the Award dated 27.06.2016 passed by Presiding



Officer, Govt. Industrial Tribunal, Patna, by which order of removal of respondent no. 2 Yogendra Meshtar, from the service of Allahabad Bank was set aside and Appellant-Allahabad Bank was directed to reinstate respondent no. 2 in service with stoppage of 4 increments with cumulative effect, however, without any back wages.

Briefly stated the facts of the case is that Allahabad Bank send a requisition to the District Employment Exchange, Sitamarhi for appointment as part time Sweeper (1/3 rd salary) and pursuant thereto respondent no. 2 applied for appointment as part time Sweeper in which he had mentioned his educational qualification as 7th pass and a certificate of Rajkiya Madhya Vidyalaya, Rewasi, was enclosed and after interview respondent no. 2 was selected on the basis of merit list as prepared and his services were to be confirmed after six months of satisfactory service but several complaints were received against respondent no. 2 that he has obtained the appointment by practising fraud and suppressing his educational qualification upon which enquiry was conducted by the Appellant-Allahabad Bank and it was found that respondent no. 2 had passed class-X examination in the year 1995 from Mahanth Sri Ayodhayay Ramanuza Uchch Vidyalaya, Rewasi, Sitamarhi, which was concealed by



him in his application form and accordingly a chargesheet was issued to respondent no. 2 under Clause-V(m) of the memorandum of settlement dated 10.04.2002 on Disciplinary Action Procedure For Workmen.

Enquiry Officer in his enquiry report dated 06.04.2013 found the charges to be proved against respondent no. 2 and second show cause notice dated 21.06.2013 was issued in respect of proposed punishment of removal from service and Disciplinary Authority by his order dated 02.06.2014 confirmed the order of removal from service with retirement benefits and appeal preferred by respondent no. 2 was dismissed by the Appellate Authority by his order dated 20.10.2014.

The Workman raised an industrial dispute under the Industrial Disputes Act and Union of India vide notification dated 11.08.2014 referred the industrial dispute before the Industrial Tribunal-IInd, Dhanbad, which was subsequently transferred to the State Industrial Tribunal, Patna, for adjudication of the dispute. The terms of reference was as follows:-

“Whether the action of the management of Allahabad Bank to propose the punishment of removal from service to Sri Yogendra Meshtar was proportionate? If not, what relief the workman was entitled to?”

Industrial Tribunal did not find any infirmity in



departmental enquiry conducted against respondent no. 2, however, the punishment imposed was found to be harsh and disproportionate to the gravity of proved charge and substituted punishment order with stoppage of four increments with cumulative effect however without any back wages.

Allahabad Bank preferred writ petition against the Award passed by the Industrial Tribunal, which was dismissed by the learned Single Judge after meticulously, considering, elaborately discussing and threadbare examining all issues raised by the Appellant-Allahabad Bank.

The learned single Judge had framed three issues which emerged for decision and after referring several judgments of Hon'ble Apex Court has held that present case is not concealment or suppression of any material fact by the workman rather not disclosing his higher qualification under given circumstances and declined to interfere in the Award passed by the Industrial Tribunal.

After hearing the parties and considering the materials available on record, this Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by this Court.



Accordingly, the LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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