

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6720 of 2021**

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Santosh KUMar Kedia S/o Late Radheshyam Kedia Resident of Jagdamba textiles, Purani Gurhatti Police Station Chapra, District- saran at Chapra presently residing at Asansol, P.s.- North Asansol, District- Burdwan, West Bengal

... .. Petitioner/s

Versus

1. Uttar Bihar Gramin Bank head office Kalambagh Chowk District- Muzaffarpur 842001 thorough its Chairman
2. The Chairman Uttar Bihar Gramin Bank head office Kalambagh Chowk, Muzaffarpur District- Muzaffarpur - 842001
3. The General Manager, Uttar Bihar Gramin Bank head office Kalambagh Chowk, Muzaffarpur District- Muzaffarpur - 842001
4. The Branch Manager, Uttar Bihar Gramin Bank branch Chhapiya Branch Police station- taraiya Saran at Chapra

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Verma  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**  
**Date : 08-02-2022**

This matters heard via video conferencing due to circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

3. In the instant petition, the petitioner has prayed for the following reliefs:

“For issuance of an appropriate writ, order or direction for quashing order dated 12.8.2020 passed by the General Manager of Uttar Gramin Bank contained as in



HO/TBC/13/20-21/400 dated 12.8.2020 whereby and whereunder respondent Bank in reference to the punishment of dismissal from Bank's service inflicted against the petitioner vide order dated 12.12.2018 said to be passed in terms of regulation 39 read with regulation 40 and 30 of Uttar Pradesh Gramin Bank Officer Employee Service Regulation 2013 (amended), declared the petitioner as disentitled for payment of gratuity and leave encashment with referring to Regulation 72(2)(e) and regulation 67 of the service regulation of the bank as also not found him eligible for payment of pension in terms of pension regulation of the bank so when the petitioner's employment ceased off after attainment of the age of superannuation w.e.f. 30.9.2015 when no departmental enquiry either initiated or pending against the petitioner on the date of his retirement besides other reliefs as prayed in paragraph 1 of the writ application".

4. The petitioner has statutory remedy of appeal against the disciplinary appellate order dated 12.12.2018. The petitioner without exhausting statutory remedy of appeal before the Appellate Authority has reached this Court, therefore, the present petition is not maintainable in the light of Apex Court decision in the *State of Jammu and Kashmir V/s. R.K.Zalpuri and others* reported in *AIR 2016 SC 3006 paragraph-20* has



held as under:

*“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-*

*“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:*

*(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;*

*(b) The petition reveals all material facts;*

*(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;*

*(d) Person invoking the jurisdiction is guilty of unexplained delay and laches;*

*(e) Ex facie barred by any laws of limitation;*

*(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”*

5. Accordingly, the present petition stands dismissed as pre-mature, reserving liberty to the petitioner to prefer appeal before the Appellate Authority within a period of 8 weeks from the date of this order.



6. The concerned Appellate Authority is hereby directed to decide the petitioner’s appeal both on delay and merit within a period of six months from the date of receipt of such appeal.

7. With the aforesaid, the writ application stands disposed of.

**(P. B. Bajanthri, J)**

Ravi/-

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