

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14654 of 2016

=====

Mukesh Kumar son of Shri Suresh Kumar resident of Village Dhepura, Post-Keoti Ranway, P.S.- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The Bank Of India Through Its General Manager, Human Resource and Ors
2. CHief General Manager, Personnel Department Industrial Relation, Bank of India, Head Office, Mumba
3. The Zonal Manager, Bank of India, Bhopal Zonal Office, Bhopal.
4. Assistant General Manager, Bank of India, Zonal Office, Industrial Relations Department, Bhopal.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the Respondent-Bank	:	Mr. Shivendra Kishore, Sr. Advocate
	:	Mr. Nishi Nath Ojha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 11-05-2022

Heard learned counsel for the respective parties.

In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 21.03.2016 (Annexure-15) passed by the General Manager (Humand Resource) of the Bank of India (hereinafter referred to as “the Bank”), by which the review petition filed by the petitioner against the penalty order dated 25.06.2015 (Annexure-11) issue by the Assistant General manager & Disciplinary



under the Zonal Office of the Bank at Bhopal, by which the major penalty of “dismissal which shall ordinarily be a disqualification for future employment” in terms of Regulation 4(j) of the Bank of India Officer Employees’ (Discipline & Appeal) Regulations, 1976 has been inflicted upon the petitioner;

(ii) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the appellate order dated 16.10.2015 (Annexure-13) passed by the Deputy General Manager & Appellate Authority at the Zonal Office of the Bank at Bhopal, by which the appeal preferred by the petitioner against the order of punishment as contained in the aforesaid penalty order dated 25.06.2015 (Annexure-11) has been rejected by the said Appellate Authority;

(iii) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the penalty order dated 25.06.2015 (Annexure-11) bearing Reference No. ZOB/IR/301/432 passed by the Assistant General Manager & Disciplinary Authority of the Bank at its Zonal Office in Bhopal, by which the major penalty of “dismissal which shall ordinarily be a disqualification for future employment” under Regulation 4(j) of the Bank of India Officer Employees’



(Discipline & Appeal) Regulations, 1976 has been inflicted upon the petitioner;

(iv) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities in the Bank to take steps towards reinstating the petitioner in the services of the Bank along with all the consequential benefits, including, payment of salary for the period during which the petitioner has illegally prevented from discharging his duties as an Officer under the Bank on account of his unlawful dismissal, seniority, promotion and such other benefits that he may be found to be entitled to in accordance with law;

(v) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

Prima facie the present petition is not maintainable on the ground of territorial jurisdiction with reference to Article 226 (2) of the Constitution. In identical matter, this Court has taken note of Article 226 (2) of the Constitution read with the opposite parties status read with relief sought therein in the case of CWJC No. 11139 of 2018 decided on 27.04.2022.

In the light of these facts and circumstances, the



present petition stands disposed of as not maintainable on the ground of territorial jurisdiction. The petitioner is at liberty to approach the appropriate forum within a period of three months. If such petition is presented before the appropriate forum/territorial jurisdictional forum, in that event, the jurisdictional Court is hereby requested to take note of Section 14 of the Limitation Act for condonation of delay in filing application/petition, if any.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2022
Transmission Date	NA

