

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.532 of 2019

In
Civil Writ Jurisdiction Case No.4890 of 2019

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Suresh Shukla Son of Late Ram Nagina Shukla Resident of Village- Fatehpur,
Police Station- Didarganj, Distt. Patna.

... .. Appellant/s

Versus

1. The State Bank of India Through its Chairman, Corporate Office, Mumbai
2. The Chief General Manager State Bank of India, West Gandhi Maidan,
Police Station- Kotwali, Distt- Patna.
3. Teh Deputy General Manager, Zonal Office, State Bank of India, Judges
Court Road, Police Station- Pirbahore, Distt- Patna.
4. The Assistant General manager (PPG) Region -II, Zonal Office, State Bank
of India, Judges Court Road, Police Station- Pirbahore, Distt. Patna.
5. The Regional Manager, Region- III, Administrative Office, Bank of Bihar
Building, Judges Court Road, Police Station- Pirbahore, Distt. Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manoj Kumar
For the Respondent/s : Mr.Namrata Mishra

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-12-2022

On 15.12.2022, following order was passed:-

**"Heard learned counsel for
the parties.**

**The petitioner was
subjected to parallel proceedings like
criminal proceeding and departmental
proceeding. During the pendency of
criminal proceeding, departmental
inquiry was concluded in imposition of
penalty of removal from service on
07.06.2000. Appellant had exhausted**



the remedy of appeal in which also he suffered order. In the result, he had filed writ application and it was dismissed. Further, he had invoked remedy under L.P.A. No. 707 of 2003 in which order of the learned Single Judge was affirmed. In other words, order of removal from service dated 07.06.2000 has attained finality among the parties. When things stood thus in the criminal proceedings, the appellant was acquitted on 12.07.2016. Thereafter, he had submitted a representation to reconsider the order of removal from service on 18.10.2016. Since, it was not rejected by the respondents, therefore, he was compelled to file C.W.J.C. No. 4890 of 2019 and it was dismissed, hence the present L.P.A.

Perusal of the records, it is evident that removal punishment dated 07.06.2000 has attained finality in L.P.A. No. 707 of 2003. In view of later development that he had been acquitted in criminal case on 12.07.2016 read with the relevant clause in the disciplinary regulation of the respondent, which provides for revisit insofar as imposition of penalty. In this background, the appellant had remedy of only filing Review Application in L.P.A. No. 707 of 2003 in which removal order dated 07.06.2000 has been affirmed. At this stage, learned counsel for the appellants seeks time. He has to appraise power to respondent under disciplinary regulation that authority is empowered to revisit penalty with reference to acquittal in the criminal proceedings.

Relist this matter on



22.12.2022."

Today, learned counsel for the appellant furnished copy of the resolution by means of Supplementary Affidavit.

Rule 19.15 (ii) reads as under:-

"(ii) It may also happen that an employee who is convicted of an offence involving moral turpitude (and, therefore, dismissed by the Bank), by a court may prefer an appeal or a revision application against his conviction and may be subsequently acquitted. In such cases, if he applies to the management for reconsideration of his case, it is obligatory on the part of the management to review his case. On a review of the case, the Management may either reinstate him or proceed against him departmentally as laid down in the Award. In case, the Management decides to proceed against him, the guidelines set out above or taking disciplinary action should be followed."

Reading of the aforesaid provision no doubt disciplinary authority is empowered to review the order of penalty. Earlier C.W.J.C. No. 4890 of 2019 read with LPA No. 707 of 2003 disciplinary authority cannot *suo motu* exercise power to review the penalty order. Once the penalty order has been affirmed in the judicial forum, therefore, appellant has not made out a case in the present L.P.A., for the reasons that as long as LPA decisions dated 07.06.2000 passed in L.P.A. No.



707 of 2003 is not reviewed.

Accordingly, the present L.P.A. stands dismissed
reserving liberty to the appellant to invoke remedy of review in
earlier L.P.A. No. 707/2003 in accordance with law.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

rakhi/-

AFR/NAFR	
CAV DATE	NA
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