

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3726 of 2021

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Rajesh Kumar son of Naresh Prasad Resident of House No. 481 B, Manju Niwas, Shivajee Nagar, Khandak Par, P.O. Biharsharif, P.S. Biharsharif, District- Nalanda at Biharsharif, presently posted as Joint Manager, Bank of Baroda, Arwal Branch, District- Arwal (under suspension).

... .. Petitioner/s

Versus

1. Bank of Baroda through the Chairman-cum - Managing Director, Baroda Bhawan, R.C. Dutt Road, Alkapuri, Baroda (Gujarat).
2. The Chairman - cum - Managing Director, Bank of Baroda through the Chairman - cum - Managing Director, Baroda Bhawan, R.C. Dutt Road, Alkapuri, Baroda (Gujarat).
3. The General Manager, Bank of Baroda, Zonal Office, Anand Vihar, 5th Floor, West Boring Canal Road, Patna.
4. The Deputy General Manager (DZH) and Disciplinary Authority, Bank of Baroda, Zonal Office, Anand Vihar, 5th Floor, West Boring Canal Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar Manglam
For the Respondent/s	:	Mr.Vivek Prasad

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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. None appears for the respondent-bank.

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

(i) For issuance of a writ in the nature of Mandamus, commanding and directing the Respondent Authorities to modify/revoke the order of suspension of the petitioner dated 18.7.2018



issued under the signature of Respondent no.4 and contained in his letter no. 764 dated 18.7.2018 in view of the provisions contained under Sub-Regulation-5 of Regulation-12 of the Bank of Baroda Officers Employees (Discipline and Appeal) Regulation, 1976 (hereinafter referred to as Service Regulation, 1976) in view of the subsequent developments which had taken place after issuance of suspension order.

(ii) For a declaration that if continuation of suspension for an indefinite period is neither in the interest of employee nor in the interest of employer, an order of suspension should not be prolonged indefinitely merely because of suspension or the conjectures and surmises.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

4. Learned counsel for the petitioner submitted that the petitioner has been placed on the suspension on 18.7.2018 with reference to certain criminal proceedings. As on this stage, no disciplinary proceeding has been launched against the petitioner. Therefore, continuation of suspension is not warranted. In fact, the petitioner is stated to have submitted representation dated 29.3.2019 vide Annexure-P-4 and the same has not been considered either accepting or rejecting.



5. In the light of these facts and circumstances, suspending authority is hereby directed to examine the material information and proceed to undertake review of suspension as to whether continuation of suspension of the petitioner is warranted or not? If it is not warranted, the order of suspension shall be revoked. While undertaking review of the suspension, the suspending authority is hereby directed to take note of Apex Court decision in the case of *Ajay Kumar Choudhary Vs Union Of India Through Its Secretary And Another.*

6. The above exercise shall be completed within a period of two months from the date of receipt of this order.

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

(P. B. Bajanthri, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2022
Transmission Date	NA

