

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3433 of 2021

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Nawnit Kumar, Son of Arun Kumar Chaudhari, Resident of Village-
Bachhwara, P.S.- Bachhwara, District- Begusarai and presently posted as
Internal Auditor Hazipur, UBGB, HO: Muzaffarpur.

... .. Petitioner/s

Versus

1. The Board of Director, Uttar Pradesh Gramin Bank HO: Muzaffarpur at Mohallah Kalambagh Road Chowk, P.S.- Town, District- Muzaffarpur.
2. The Chairman, Uttar Pradesh Gramin Bank HO: Muzaffarpur at Mohallah Kalambagh Road Chowk, PS- Town, District- Muzaffarpur
3. The General Manager, Uttar Pradesh Gramin Bank HO: Muzaffarpur at Mohallah Kalambagh Road Chowk, PS- Town, District- Muzaffarpur
4. The Regional Manager, Regional Office, Uttar Pradesh Gramin Bank HO: Muzaffarpur at Mohallah Kalambagh Road Chowk, PS- Town, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate

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

Date : 29-01-2022

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

2. Learned counsel for the State accepts notice for
respondents.

3. Learned counsel for the petitioner is hereby directed
to furnish a copy of the writ petition to the learned counsel for the
respondents.

4. Heard learned counsel for the parties.

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



“That this writ application is being filed for the issuance of writ in the nature of Certiorari or any other writ/writs found applicable in the facts detailed in this writ application for the quashing of letter dated 15/12/2020 issued by the respondent no.2 (Chairman, UBGB, HO: Muzaffarpur) vide Letter No. HO/DAD/13/20-21/No 268, whereby and where under referring regulation 18 & 20 of UBGB (Officers & Employees) Service Regulation, 2010 read with (Amended Regulation, 2013), the petitioner has been put under suspension for the so-called misappropriation and misconduct and recommended simultaneously, regarding initiation of departmental proceedings for the so-called cause of misappropriation against the petitioner, while he was posted as branch manager at branch – Bariyarpur Kandh, Muzaffarpur and served upon him through electronic mail, while the petitioner is on leave.”

6. Learned counsel for the Bank resisted the present petition on the score that the petitioner has a statutory remedy of appeal before the appellate authority.

7. Having regard to the fact that suspension order is dated 15.12.2020, the suspending authority is required to undertake review of suspension from time to time, the same is not undertaken. In other words, whether the petitioner is required to be continued under suspension beyond six months or not? The Apex Court in the case of *Ajay Kumar Choudhary Vs. Union of India*



through its Secretary and another reported in *(2015) 7 SCC 291* deprecated prolonged suspension.

8. Therefore, the suspending authority is hereby directed to undertake review of suspension. If continuation of suspension is warranted, in that event, necessary speaking order shall be passed and communicate the same to the petitioner as to why the petitioner is to be continued under suspension even to this day. If the continuation of suspension is not warranted, in that event, the suspension order shall be revoked with a rider that revocation is subject to outcome of the disciplinary/ criminal proceedings.

9. The above exercise shall be completed by the concerned respondent within a period of two months from the date of receipt of this order.

10. The writ petition stands disposed of.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2022
Transmission Date	NA

