

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

282

CWP-14145-2018

Date of decision : 17.05.2022

Jagbir Singh Chahar

... Petitioner

Versus

Board of Directors, Serva Haryana Gramin Bank & another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. R.K. Malik, Senior Advocate with
Mr. Varun Veer Chauhan, Advocate for the petitioner.

Mr. Hargun Singh Bhatia, Advocate for
Mr. Ravinder Singh Bhatia, Advocate for the respondents.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the orders dated 18.01.2018 (Annexure P-5) and 17.04.2017 (Annexure P-7) whereby his statutory appeal against the order of dismissal was not considered. He has also sought a direction to respondent No.1 to decide the statutory appeal preferred by the petitioner on merits.

Learned senior counsel for the petitioner contends that the petitioner had been dismissed from service on 31.10.2013 which was challenged by him by preferring CWP No.13469 of 2015 which was dismissed by a Coordinate Bench of this Court on 09.07.2015. However, LPA No.1280 of 2015 preferred by the petitioner thereagainst was disposed of on 14.03.2017 directing the Chairman of the respondent/Bank to consider the petitioner's case objectively and sympathetically on the quantum of punishment in view of length of service and past record. The punishing authority while reconsidering the representation of the petitioner in terms of the order passed by the Division

Bench had once again directed the dismissal of the petitioner by order dated 10.08.2017 (Annexure P-3). The petitioner preferred an appeal on 12.09.2017 (Annexure P-4) thereagainst which was dismissed by order dated 17.04.2018 (Annexure P-7) by holding that it would not be maintainable. He also submits that in terms of Regulations 49 and 50 of the Haryana Gramin Bank (Officers and Employees) Service Regulations, 2010, an appeal against the order of the Chairman would lie to the Board of Directors.

Heard.

The representation of the petitioner for reconsideration of the punishment had been dismissed by the Chairman vide order dated 10.08.2017 (Annexure P-3). The petitioner had preferred an appeal thereagainst but the same had been dismissed as not maintainable although Regulations 49 and 50 of the Haryana Gramin Bank (Officers and Employees) Service Regulations, 2010 provide for an appeal to the Board of Directors against the order of punishment passed by the Chairman. Therefore, the impugned order dismissing the appeal as not maintainable is unsustainable and deserves to be set aside. The petitioner has been denied his valuable statutory right of an appeal against the order of his dismissal.

Consequently, the petition is allowed and the impugned order (Annexure P-7) is set aside. The appeal (Annexure P-4) shall be decided by the competent authority within a period of four months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

May 17, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No