

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10958 of 2015

Abhay Kumar, son of Sri Ugra Paswan, Resident of Mohalla-Lohia Nagar,
Police Station-Katihar Sadar, District-Katihar

... .. Petitioner/s

Versus

1. The State Bank of India through its Chief General Manger, 7th Floor Local Head Office, State Bank of India, West Gandhi Maidan, Patna
2. The Deputy General Manager (B & O)-cum-Appellate Authority. State Bank of India, Zonal Office, Kala Bhawan Road, Purnia-854301.
3. The Regional Manager (Regional Business Office)-cum-Disciplinary Authority, State Bank of India, Saharsa.
4. The Chief Manager-cum-Enquiry Officer State Bank of India, Lead bank, Saharsa.
5. The Assistant General Manager cum-Appointing Authority (HR), Local Head Office, State Bank of India, West Gandhi Maidan, Patna.
6. The Branch Manager-cum-Presenting Officer State Bank of India Saharsa City Branch, Saharsa.
7. The Branch Manager, State Bank of India Gamharia Branch, District-Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kundan Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Kaushlendra Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-10-2023 The present writ petition has been filed
seeking the following relief:-

*“1. That this is an application for
issuance of a writ in the nature of
Certiorari for quashing of the order
dated 2.1.2015 containing in
P&C/239, passed by the Regional
Manager-cum-Disciplinary Authority,
Regional Business Office, State Bank
of India, Saharsa, whereby and*



whereunder the Disciplinary Authority has imposed a penalty upon the petitioner of "Removal from service with superannuation benefits (i.e. pension and/or provident fund and gratuity) as would be due otherwise (under the rules or regulations prevailing at the relevant time) and without disqualification from future employment" under the para 6(b) of Memorandum of settlement dated 10.4.2002.

As well as quashing of the order passed by the Deputy General Manager (B&O) -cum- Appellate Authority, Zonal Office State Bank of India, Purnia dated 31.3.2015 affirming the penalty of removal of the petitioner from the Bank services by the Disciplinary Authority. The order of Appellate Authority was communicated to the petitioner vide letter dated 7.4.2015 from the office and signature of Disciplinary Authority."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to assail the order dated 02.01.2015 passed by the



Regional Manager-cum-Disciplinary Authority, State Bank of India, Saharsa as also the appellate order dated 31.03.2015, by approaching the Industrial Tribunal/Labour Tribunal having competent jurisdiction, however, seeks a direction upon the said authority to consider the case of the petitioner on merits. Liberty, so sought, is granted.

3. It is needless to state that in case appropriate petition, challenging the aforesaid orders dated 02.01.2015 and 31.01.2015, is filed within a period of six weeks from today, the concerned authority/Tribunal shall consider the case of the petitioner on merits, without being impeded by the issue of limitation, considering the fact that the petitioner had been pursuing an ill advised remedy by way of the present writ petition since the year 2015.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

