

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20315 of 2011

=====

RAM CHANDRA THAKUR S/O Late Ajab Prasad Thakur Resident Of
Muhallah-Adarsh Nagar Road No. 3 C P.S. and Distt- Samastipur

... .. Petitioner

Versus

1. The Samastipur Kshetriya Gramin Bank through it's Chairman Head Office-Samastipur.
2. The Chairman Cum Disciplinary Authority Samastipur Kshetriya Gramin Bank, Samastipur
3. Members Board Of Directors Samastipur Kshetriya Gramin Bank, Samastipur
4. Manager Vigilance Samastipur Kshetriya Gramin Bank, Samastipur
5. Inquiry Office Samastipur Kshetriya Gramin Bank, Samastipur

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No-1, Advocate
For the Respondent/s : Mr.Kamlesh Kishore, A.C. to S.C.-12

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State. No one appears on behalf of the Bank.

This writ application has been filed for quashing the
order dated 03.05.2011 passed by the Manager, Vigilance,
Samastipur Kshetriya Gramin Bank, Samastipur whereby the
appeal dated 05.02.2011 of the petitioner has been dismissed
without assigning any reason.

Although learned counsel for the Bank is not present
but considering that this case is pending before this Court for
about one decade, this Court deems it just and proper to dispose
of this writ application on its own merit. On perusal of the



impugned order as contained in Annexure '8' to the writ application, it appears that the Manager, Vigilance, Samastipur Kshetriya Gramin Bank, Samastipur has simply communicated to the petitioner in one line that his appeal dated 05.02.2011 has been rejected by the appellate authority.

The petitioner has enclosed a copy of the memorandum of appeal presented before the Chairman, Board of Directors of the Samastipur Kshetriya Gramin Bank, Samastipur (Annexure '7' to the writ application). A perusal of the memorandum of appeal would show that the petitioner has raised a number of grounds in his appeal but the impugned order as contained in Annexure '8' does not show any consideration of those grounds.

A counter affidavit has been filed on behalf of the Bank. With the counter affidavit, the Bank has placed a copy of the decision of the appellate authority as Annexure 'A'. This Court has perused the same. It appears that even the appellate authority has not taken care to go through the grounds raised by the petitioner in the memorandum of appeal and has not dealt with those grounds in his order dated 24.03.2011 (Annexure 'A' to the counter affidavit).



In the opinion of this Court, the order as contained in Annexure '8' being an unreasoned order and the order as contained in Annexure 'A' to the counter affidavit suffer from the vice of non-consideration of the materials available on the record, therefore, both are liable to be set-aside. This Court, therefore, sets-aside Annexure 'A' to the counter affidavit as well as Annexure '8' to the writ petition.

The Appellate Authority of Samastipur Kshetriya Gramin Bank, Samastipur is directed to consider the appeal of the petitioner and dispose of the same after giving an opportunity of hearing to the parties within a period of three months from the date of receipt/communication of a copy of this order. The recovery, if any made from the petitioner, shall be subject to result of the appeal.

This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

U			
---	--	--	--

