

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1241 of 2018

In

Civil Writ Jurisdiction Case No.2607 of 2013

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1. Uttar Bihar Gramin Bank, Through Its Chairman and Ors
 2. Appellate Authority Board through the General Manager, Uttar Bihar Gramin Bank, Head Office at Sha
 3. Chairman-cum-Disciplinary Authority, Uttar Bihar Gramin Bank, Head Office at Sharma Complex, Kalamb
 4. General Manager, Uttar Bihar Gramin Bank, Head Office at Sharma Complex, Kalambagh Chowk, Muzaffarp

... .. Appellant/s

Versus

Laxmi Narayan Sah Son of Late Kalar Sah, Resident of Vidya Bihar, Road No.04, Behind Laxmi High School, P.O.- Sitamarhi, P.S.District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Sinha, Sr. Advocate Mr.Ajit Kumar Sinha, Advocate Ms.Dilkash Khan, Advocate Ms.Minu Kumari, Advocate
For the Respondent/s	:	Mr. Bindhyanchal Singh, Sr. Advocate Mr.Prashant Sinha, Advocate Mr.Ram Binod Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-02-2023

The present LPA is filed by the Uttar Bihar Gramin Bank. Respondent who was working as Regional Manager he was subjected to disciplinary proceedings on 16.02.2011. It was concluded in imposition of penalty of recovery on 27.03.2012. He has exhausted the remedy of appeal. Appellate Authority confirmed the order of disciplinary authority. In the result he has filed CWJC No. 2607 of 2013 and it was allowed on 16.05.2018,



while remanding the matter to disciplinary authority to proceed against respondent - Laxmi Narayan Sah and other employees of the bank who were also involved.

2. Learned counsel for the appellant submitted that learned Single Judge has committed error in re-appreciating the evidence while analysing charges. Further, directing to hold inquiry against such other employees who may be involved in the alleged charges relating to disbursement of certain loan amount to the various branches and intern branch manager or officer of the concerned branch manager who has disbursed loan amount to individuals like Kisan Credit Card loan, etc.

3. *Per contra*, learned counsel for the respondent resisted the aforesaid contentions and supported the order of learned Single Judge.

4. Heard learned counsels for the respective parties.

5. From perusal of the charge memo read with statement of imputation, it is not clear as to what is the exact allegations levelled against the respondent. In other words, ingredients constituting charge or mis-conduct is not crystal clear from the charge read with statement of imputation. That apart it is noticed that list of documents and list of witness have not been cited in support of alleged charges. If the alleged charge is that the



respondent failed to supervise in disbursing the loan amount to the respective branches and disbursement of loan amount was more than the requirement and it has not been taken note of by the Regional Manager, in this regard, no material information is forthcoming from the charge memo and read with statement of imputation. Therefore, *prima facie* the appellants have not made out a case so as to interfere with the order of learned Single Judge.

6. Learned counsel for the appellants submitted that a general direction has been given to initiate inquiry against the respondent and other employees. In this regard, disciplinary authority of the respective officer/employee shall examine the complete material if there is any lapses on officer/employee in that event necessary action may be taken. Before taking any action against other employees disciplinary authority is hereby directed to examine the concerned service particulars to the extent whether employee/officer other than the respondent are in service or not? Whether departmental inquiry can be initiated against such of those retired employees or not? For the reasons that the allegations date back to the period from 2009-2010.

7. Accordingly, the order of learned Single Judge is modified insofar as initiation of inquiry against other than the



respondent. With the above observation the present LPA stands disposed of.

8. Respondent is hereby directed to co-operate in disciplinary proceedings, disciplinary authority is hereby directed to complete the inquiry proceedings within a period of six months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
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