

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.899 of 2018

In
Civil Writ Jurisdiction Case No.3867 of 2013

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1. Uttar Bihar Gramin Bank Head Office Muzaffarpur, through its Chairman.
 2. Chairman Uttar Bihar Gramin Bank, Head Office, Muzaffarpur.
 3. Board of Directors through its Chairman, Head Office Uttar Bihar Gramin Bank, Muzaffarpur.

... .. Appellant/s

Versus

Umesh Chandra Byas Son of Sri R.K. Tyagi, Resident of at Huse Chapra Near
No. 44 Railway Crossing, Police Station- Town, District- Chapra, Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhakar Jha, Advocate

For the Respondent/s : Mr.Abhinav Srivastava, 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 : 30-01-2023

Re:- I.A. No. 4880 of 2018

Heard Interlocutory Application for condonation
of delay of 49 days in filing present L.P.A.

For the reasons stated in the application and
affidavit, I.A. No. 4880 of 2018 for condonation of delay stands
allowed.

Heard learned counsels of the parties.

Present L.P.A. is against the order of the learned
Single Judge dated 20.04.2018 passed in C.W.J.C. No. 3867 of



2013.

Respondent- Umesh Chandra Byas was an employee of the appellant- Uttar Bihar Gramin Bank. He was subjected to disciplinary proceedings in framing article of charges on 15.12.2005 and it was concluded in imposition of penalty of removal from service on 02.07.2010. He had exhausted remedy of appeal before the appellate authority and appellate authority confirmed the order of the disciplinary authority. Thereafter, he filed C.W.J.C. No. 3867 of 2013. Learned Single Judge allowed C.W.J.C. No. 3867 of 2013 dated 20.04.2018 and remanded the matter to the disciplinary authority to pass a fresh order after due consideration of each of the contention raised by the petitioner in C.W.J.C. No. 3867 of 2013.

Learned counsel for the appellant could not apprise this Court as to what is the error committed by the learned Single Judge. On the other hand, he relied on disciplinary authority's order stating that it is a reasoned order.

Perusal of the disciplinary authority's order dated 02.07.2010 it is crystal clear that it is not a speaking order. In other words, second show cause notice dated 13.03.2009 read with other consequential material have not been taken into



consideration. We find *prima facie* no case is made out so as to interfere with the order of the learned Single Judge dated 20.04.2018 passed in C.W.J.C. No. 3867 of 2013.

It is learnt that disciplinary authority has not complied the order dated 20.04.2018, therefore, he is hereby directed to pass a detailed speaking order after due consideration of each of the contention of the respondent against second show cause notice and proceed to pass afresh order within a period of two months from today. To that effect, order of the learned Single Judge is modified. Remaining portion of the order of the learned Single Judge is not disturbed.

Accordingly, the present L.P.A. stands disposed of.

Re:- I.A. No. 02 of 2022

I.A. No. 02 of 2022 stands disposed of in view of disposal of present L.P.A.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	02.02.2023
Transmission Date	NA

