

133(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-6915-2016
Date of Decision:19.10.2023

R. K. MITTAL Petitioner

Versus

BANK OF INDIA Respondent

2) CWP-5368-2017

R. K. MITTAL Petitioner

Versus

BANK OF INDIA & ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Petitioner in person.

Mr. Ranjan Lohan, Advocate for the respondent-Bank.

JAGMOHAN BANSAL, J. (Oral)

1. On 16.10.2023, the following order was passed:

“Learned counsel for the petitioner submits that petitioner vide order dated 02.08.2000 (Annexure P-8) was awarded punishment of removal from service with superannuation benefits. The petitioner preferred writ petition before this Court which came to be allowed with liberty to respondent to pass a fresh order. The respondent has passed fresh order whereby petitioner has been dismissed from service without superannuation benefits. The petitioner has attained the age of superannuation, thus, in any case, he stands retired. The grievance of the petitioner would be redressed if respondent restores earlier penalty order.

Faced with this, counsel for the respondent

seeks a short accommodation to get instructions with respect to possibility to reduce the quantum of penalty from dismissal to removal with superannuation benefits.

Adjourned to 19.10.2023.

To be shown in the urgent list.

Photocopy of this order be placed on the file of the connected case.”

2. Learned counsel for the respondent-Bank submits that as per his instructions, the petitioner may be relegated to Appellate Authority which would sympathetically consider prayer of the petitioner as noticed in order dated 16.10.2023. The appeal would be decided without considering question of delay.

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3. The respondent-Bank was supposed to pay subsistence allowance within 15 days from 14.08.2014, however, the subsistence allowance was paid after 39 months. The respondent-Bank is directed to consider claim of the petitioner with respect to interest. The respondent shall pass speaking order with respect to entitlement of the petitioner *qua* interest within 6 weeks from today.

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4. In the wake of statement of learned counsel for the respondent-Bank, the petition stands disposed of with liberty to petitioner to approach Appellate Authority which will decide appeal on merits while considering aforesaid order dated 16.10.2023 and submissions made by learned counsel for the respondent-Bank. The Appellate Authority shall decide appeal within 6 weeks from the date of filing.

(JAGMOHAN BANSAL)
JUDGE

19.10.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>