

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.163 of 2020**

**In**  
**Civil Writ Jurisdiction Case No.13008 of 2012**

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1. Samastipur Kshetriya Grameen Bank Head Office, Samastipur, District Samastipur, (Now known as Dakshin Bihar Gramin Bank), present address Head Office at Sri Vishnu Commercial Complex, Near National High way Petrol Pump, Bypass N.H.-30, Asho Chack, Patna-16.
  2. The Board of Directors and Appellate Authority Samastipur Kshetria Grameen Bank, Samastipur, District Samastipur, (Bihar), (Now known as Dakshin Bihar Gramin Bank), present address Head Office at Sri Vishnu Commercial Complex, Near National High way Petrol Pump, Bypass N.H.-30, Asho Chack, Patna-16, through its Chairman.
  3. The Chairman-Cum- Disciplinary Authority Samastipur Kshetria Grameen Bank, Samastipur, District Samastipur, (Now known as Dakshin Bihar Gramin Bank), present address Head Office at Sri Vishnu Commercial Complex, Near National High way Petrol Pump, Bypass N.H.-30, Asho Chack, Patna-16.
  4. The Enquiry Officer Samastipur Kshetria Grameen Bank, Head Office, Samastipur, District Samastipur, (Bihar), (Now known as Dakshin Bihar Gramin Bank), present address Head Office at Sri Vishnu Commercial Complex, Near National High way Petrol Pump, Bypass N.H.-30, Asho Chack, Patna-16.
  5. The Manager Vigilance, Samastipur Kshetria Grameen Bank, Head Office, Samastipur, District Samastipur, (Bihar), (Now known as Dakshin Bihar Gramin Bank), present address Head Office at Sri Vishnu Commercial Complex, Near National High way Petrol Pump, Bypass N.H.-30, Asho Chack, Patna-16.

... .. Appellant/s

Versus

Arun Kumar Sinha Son of Late Tarani Prasad Middle Management Grade-II, Samastipur Kshetria Grameen Bank, Mahammadipur Branch, District-Samastipur Bihar.

... .. Respondent/s

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with

**Miscellaneous Jurisdiction Case No. 982 of 2021**

**In**  
**Civil Writ Jurisdiction Case No.13008 of 2012**

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Arun Kumar Sinha Son of Late Tarani Prasad Ex Middle Management Grade - III, Samastipur Kshetria Gramin Bank, Mahammadipur Branch, District Samastipur (Bihar) Resident of Aliganj, Post / PS/ District - Banka - 813102 (Bihar).

... .. Petitioner/s

Versus



Dr. S.A. Javed, the Chairman cum Disiplinary Authority, Samastipur Kshetirya Gramin Bank, Samastipur Now Renamed as Dakshin Bihar Gramin Bank, Zero Mile, Patna (Bihar).

... .. Opposite Party/s

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**Appearance :**

(In Letters Patent Appeal No. 163 of 2020)

For the Appellant/s : Mr.Praveen Prabhakar

For the Respondent/s : Mr.Munna Pd Dixit (M.P. Dixit)

(In Miscellaneous Jurisdiction Case No. 982 of 2021)

For the Petitioner/s : Mr.Munna Pd Dixit M.P. Dixit

For the Opposite Party/s : Mr.Ranjeet Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**

**ORAL ORDER**

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

13    06-05-2024                      The present LPA is filed by Appellant- *Samastipur Kshetriyia Grameen Bank and Ors.* in assailing the order of the learned Single Judge dated 21.12.2019 passed in CWJC No. 13008 of 2012. The respondent was subjected to disciplinary proceedings on certain alleged charges relating to in not following the procedures of the Bank and resulted in certain financial loss. The matter was concluded by the Disciplinary Authority while imposing the penalty of reduction of pay at the initial stage of pay-scale of MMGS-II, i.e Rs. 19,400/- w.e.f. 15.07.2011.

2. During pendency of subsequent proceedings Respondent-*Arun Kumar Sinha* has attained the age of superannuation and retired from service on 31<sup>st</sup> of January,



2017. Learned Single Judge has allowed CWJC No. 13008 of 2012 in the absence of learned counsel for the appellants in CWJC in other words, it is *prima facie* ex-parte order. We have noticed that CWJC is of the years 2012 and it was decided on 21.12.2019. The appellants have ample time to file counter affidavit to defend their action insofar as imposition of penalty on the respondent, however, there was no representation. On this issue learned counsel for the appellants submitted that Appellant – Bank and other Ancillary Banks were stated to have been merged in the year 2012 resulted in lack of communication among the merged bank and respective counsels who have been entrusted to appear. Though the learned Single Judge has taken note of certain issues for example cited witness has not been examined and cross-examined which vitiate departmental proceedings. On the other hand, in the present LPA except that appellants have not been provided an opportunity and proceeded *ex-parte* has been taken. On the other hand, appellants have not apprised this Court what is error committed by the learned Single Judge insofar as allowing the writ petition.

3. The appellants had remedy of filing Civil Review insofar as seeking review of the order dated 21.12.2019 passed in CWJC No. 13008 of 2012 to the extent that appellants have



failed to file counter affidavit due to administrative difficulties insofar as merger of various banks and further lack of communication. Taking note of these facts and circumstances, we are of the view that it is not a case for filing LPA that too in respect of *ex-parte* order of the learned Single Judge therefore the only remedy for appellants is in filing Civil Review.

4. Accordingly, the present LPA No. 163 of 2020 stands disposed of as not maintainable. However, appellants are permitted to file Civil Review before the learned Single Judge. Insofar as, delay in filing Civil Review is concerned the learned Single Judge is requested to take note of Section 14 of Limitation Act read with the Hon'ble Supreme Court decision in the case of **Purni Devi & Anr. Vs. Babu Ram & Anr.** reported in **Livlaw (SC) 273** wherein Section 14 of Limitation Act has been interpreted. In this regard if appellants files interlocutory application for condonation of delay in support of Civil Review Petition, in that event learned Single Judge is requested to take note of the same and considered and disposed of Civil Review petition to be filed in accordance with law.

**MJC No. 982 of 2021**

5. The present MJC No. 982 of 2021 arising out of order of the learned Single Judge dated 21.12.2019 passed in



CWJC No. 13008 of 2012 be listed before the concerned roster  
Bench.

**(P. B. Bajanthri, J)**

**( Alok Kumar Pandey, J)**

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