

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1422 of 2018

In
Civil Writ Jurisdiction Case No.2515 of 2015

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Krishna Bihari Pandey, S/o- Sri Triveni Pandey, Resident of Village-
Bhaluahi, P.O.- Siyawank, P.S.- Baghaila, District- Rohtas.

... .. Appellant/s

Versus

1. Madhya Bihar Gramin Bank, Through Its Chairman Head Office Meena Plaza, South of Museum, Patna- 1.
2. The Chairman-Cum- Disciplinary Authority, Madhya Bihar Gramin Bank, null Head Office Meena Plaza, South of Museum, Patna- 1.
3. The General Manger, Madhya Bihar Gramin Bank, Head Office Meena Plaza, South of Museum, Patna- 1.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr.Bijay Shankar Choubey, Advocate
Fro the Bank	:	Mr. M.N. Parbat, Sr. Advocate
		Mr. Praveen Prabhakar, Advocate
For the Respondent/s	:	Mr. Ved Prakash Srivastva, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 29-04-2024

Ref: I.A. No. 7605 of 2018

Heard I.A. No. 7605 of 2018 for condonation of delay.

There is a delay of about 41 days in filing L.P.A. No. 1422 of 2018. For the reasons stated in the application read with the affidavit, delay of 41 days in filing L.P.A. No. 1422 of 2018 stands condoned.

2. Accordingly, I.A. No. 7605 of 2018 stands allowed.



3. With the consent of the learned counsels for the respective parties, L.P.A. No. 1422 of 2018 taken up for final disposal. Appellant has assailed the order of the learned Single Judge dated 16.07.2018 passed in C.W.J.C. No. 2515 of 2015.

4. The appellant was subjected to disciplinary proceedings on certain charges. Charges were proved resultantly disciplinary authority proceeded to impose the penalty of dismissal from service and it was affirmed by the Appellate Authority. Order of dismissal was subsequent to the retirement of the appellant.

5. Learned counsel for the appellant submitted that master and servant relationship ceases as and when employee attained age of superannuation and retired from service, therefore, imposition of penalty and its affirmation by the Appellate Authority are liable to be set aside. It is further submitted that there are no financial irregularities committed by the appellant in the matter of disbursement of loan under KCC (JLG) Scheme. Therefore, imposition of penalty of dismissal would be too harsh that to after retirement from service. Consequently order of the learned Single Judge to be set aside while allowing C.W.J.C. No. 2515 of 2015.

6. *Per contra*, learned counsel for the respondents



defended the action of the Disciplinary Authority, Appellate Authority and order of the learned Single Judge. Learned counsel for the respondent submitted that Regulation 45 provides for continuation of enquiry against retired employee. Therefore, the appellant's contention is not tenable insofar as imposition of penalty and its affirmation by the authorities after his retirement. It is also submitted that there are misappropriation of bank's fund as is evident from the admitted factual aspects to the extent that appellant has deposited a sum of Rs. 64,300/- on 14.12.2008. Therefore, there is no infirmity in the impugned action of the official respondent read with the order of the learned Single Judge.

7. Heard the learned counsel for the respective parties.

8. The appellant was subjected to disciplinary proceedings on certain irregularities alleged to have committed in the matter of disbursement of loan under KCC (JLG) Scheme. The appellant had misappropriated certain bank fund as is evident from his admission and remittance of a sum of Rs. 64,300/- on 14.12.2008, which has been recorded by the Appellate Authority. The appellant had raised ground before the Appellate Authority that he had deposited Rs. 64,300/- on 14.12.2008. Therefore, there are no financial irregularities, the



same can be appreciated for the reasons that it is a crystal clear that he had initially misappropriated bank fund. Thereafter, he had realized and remitted the amount of Rs. 64,300/- on 14.12.2008 to that effect Appellate Authority has recorded its finding also. Even in respect of other charges, Respondent-Board have considered each of the contention raised in appeal. Therefore, we do not find any infirmity in the decision of the Board (Appellate Authority). The Appellate Authority proceeded to decide the appellant's appeal in accordance with the Regulation namely Regulation 50 and 51. Hence, the appellant has not made out a case so as to interfere with the order of the learned Single Judge.

9. Accordingly, the present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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CAV DATE	NA
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