

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14114 of 2012

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Rajendra Lal Das Son Of Late Shiv Shankar Lal Das aged about 55 years,
Resident Of Village Satghara Simari, Post Office And Police Station
Rajnagar, District Madhubani, Bihar And Presently Posted at Branch Umgaon
Of The Bank as an Officer Scale - I

... .. Petitioner/s

Versus

1. The Chairman Board Of Directors Uttar Bihar Gramin Bank through its Head Office, Sharma Complex, Kalambagh Chowk, Post and Police Station Muzaffarpur, Bihar.
2. The Chairman, Uttar Bihar Gramin Bank through its Head Office, Sharma Complex, Kalambagh Chowk, Post and Police Station Muzaffarpur, Bihar.
3. The Area Officer through its Controlling Office, Uttar Bihar Gramin Bank, Parishad Bazar, Post and Police Station : Madhubani, Bihar.
4. Mr. Jagdish Thakur, Regional Manager Cum Inquiry Officer, Purnea through its Head Office Uttar Bihar Gramin Bank, Kalambagh Chowk, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Das, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, Advocate Mr. Amitesh Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 02-07-2024 Heard Mr. Pankaj Kumar Das, learned counsel

appearing on behalf of the petitioner and Mr. Prabhakar Jha,

learned counsel for the respondent/s.

2. Petitioner has prayed for following relief(s) in

paragraph no. 1 of the writ petition:

"1. That this application is being filed for issuance of a writ in the nature of certiorari for quashing of the impugned punishment order passed by the respondents and further prays for issuance of a writ in the nature of mandamus commanding upon the respondents and further prays for issuance of a writ in the nature of mandamus commanding upon the respondents to pay forthwith the salary along with consequential benefits which has been kept in the abeyance by the respondent authorities without any rhyme and reasons and injury inflicted on him by



keeping him under prolonged suspension to financially emasculate him."

3. The main contention of the petitioner is that the impugned order passed by the Disciplinary Authority is without considering the report of the superior officer of the Vigilance Cell of the respondent-Bank, in which, it has been observed that the finding of the Inquiry Officer in respect of the performance of the petitioner/staff cannot be judged on the basis of posting for a short period and it is the claim of the petitioner that while the petitioner was posted at Rudrapur Branch from 1988 to 2002, not a single charge related to the Branch. In spite of the said fact, the Disciplinary Authority has inflicted punishment of reduction of five increments in time scale of pay for a period of four years and further that the petitioner will not earn any increment of pay during the period of such reduction and as such, reduction shall have the effect on postponing the future increment of his pay in terms of Regulation 39(1)(B)(i) of Uttar Bihar Gramin Bank (Officers and Employee) Service Regulation, 2010 (hereinafter referred to as the 'Regulation' for short). The Disciplinary Authority had further imposed penalty that in terms of Regulation 48 of the Regulation, the petitioner shall not be paid salary/pay and allowances for the period he remained under suspension.



4. Learned counsel for the respondent-Bank submits that no pleading has been made in respect of alternative remedy of appeal available to the petitioner. The petitioner has efficacious remedy of appeal the the present writ petition is not maintainable on the said ground, as well as, on the ground that the petitioner has not been able to point out any infirmity or perversity in the order of penalty.

5. Considering the aforesaid fact and information provided by learned counsel, I am of the opinion that if the petitioner, so desire, may file appeal before the appropriate authority subject to the limitation provided under the Statutory Rules.

6. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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