

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12850 of 2015

Chandra Bhushan Pandey, Son of Late Deo Nandan Pandey, Resident of Mohalla-Vikash Colony, A.G. Colony Main Road, P.S Shastri Nagar, Town and District Patna.

... .. Petitioner.

Versus

1. Allahabad Bank through the Chairman-cum-Managing Director, Head Office, 2, Netaji Subhash Road, Kolkatta-700001.
2. The General Manager (Personal Administration) Allahabad Bank, Head office, 2, Netaji Subhash Road, Kolkatta- 700001.
3. The Deputy General Manager-cum-Appellate Authority, Allahabad Bank Head office, 2, Netaji Subhash Road, Kolkatta-700001.
4. The Assistant General Manager and Disciplinary Authority, Allahabad Bank, Zonal Office, Nagpur.

... .. Respondents.

with

Civil Writ Jurisdiction Case No. 4008 of 2018

Chandra Bhushan Pandey, son of Late Deo Nandan Pandey, Resident of Mohalla - Vikash Colony, A.G. Colony, Main Road, P.O. Shastri Nagar, P.S. Shastri Nagar, District - Patna.

... .. Petitioner.

Versus

1. Allahabad Bank, 2, Netaji Subhash Road, Kolkatta-700001 through the Chairman-cum-Managing Director.
2. The Chairman-cum-Managing Director, Allahabad Bank, 2, Netaji Subhash Road, Kolkatta - 700001.
3. The Deputy General Manager, Allahabad Bank, Zonal Office, Budha Marg, Patna - 800001.
4. The Chief Manager, Allahabad Bank, Sheikhpura, Patna - 800014.

... .. Respondents.

Appearance :

(In Civil Writ Jurisdiction Case No. 12850 of 2015)

For the Petitioner : Mr. Amaresh Kumar Sinha, Advocate.
Mr. Vaibhav Narayan, Advocate.

For the Respondent-Bank: Dr. Binod Kumar Jha, Advocate.

(In Civil Writ Jurisdiction Case No. 4008 of 2018)

For the Petitioner : Mr. Amaresh Kumar Sinha, Advocate.
Mr. Vaibhav Narayan, Advocate.

For the Respondent-Bank: Dr. Binod Kumar Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 06-12-2024

C.W.J.C. No.12850 of 2015:

In the instant writ petition, the petitioner has prayed for



the following relief(s):

“(I) For issuance of an appropriate writ in the nature of **CERTIORAI** for quashing the letter dated 06.06.2008 issued under the signature of the Respondent no.4 and contained in his Ref. No.ZON/VIG/DA/08/4094 dated 06.06.2008, whereby and where under the Respondent no.4 has been pleased to pass an order of removal of the writ petitioner from service of the Respondent Bank on the ground that the petitioner remained absent from his duties unauthorizedly even after being advised to resume his duty at Nagpur.

(II) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the order dated 11.07.2015 passed by the Respondent no.3 and contained in his letter no.HO/PA/DC/Appeal/15/765 dated 11.07.2015 whereby and where under the Respondent no.3 has been pleased to reject the appeal filed by the petitioner against the order dated 06.06.2008 passed by the Respondent no.4.

(III) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to grant medical leave to the credit of writ petitioner for the period in which he did not perform his duties of Bank and in case of insufficiency of medical leave to the credit of the writ petitioner to meet the period of absence of duty to grant earned leave to the credit of the writ petitioner or even leave without pay for the purposes of regularization of service of the writ petitioner till the date of superannuation and thereafter to pay consequential monetary benefits for which the writ petitioner would have been legally entitled, had he not been removed from the service under the orders of Respondent no.4.

(IV) For issuance of any other appropriate writ/writs, order/orders direction/directions for which the writ petitioner would be entitled under the facts and circumstances of the case.”

2. The matter was heard at length on 05.01.2024 and



the following order was passed:

“In the instant petition, petitioner has assailed the order of removal from service. It is learnt that petitioner has rendered about 38 years of service. He was transferred from Patna to Nagpur on 13.09.2006. He had questioned the validity of the same before this Court and suffered an order, thereafter, he has preferred LPA in which the LPA Bench provided liberty to him to approach the concerned authority in furnishing representation. Such representation was rejected on 22.05.2007. Thereafter, in all fairness, he should have reported at transferred place Nagpur. On the other hand, he remained absent. Thus, petitioner was subjected to disciplinary proceedings for disobeying the order of transfer from Patna to Nagpur and it was concluded in imposition of penalty of removal from service. Penalty of removal from service after rendering 38 years of service would be too harsh for the reasons that it is not a case of misappropriation of bank money, on the other hand, it is a case of disobedience of transfer order.

2. Taking note of these dates and events, I suggest to modify the penalty from removal from service to compulsory retirement. In this regard, the competent authority is hereby directed to take a decision as to whether removal order be converted into that of compulsory retirement or not? If the respondent bank are of view that it is not feasible for them to modify the penalty of removal from service to that of compulsory retirement, in that regard, necessary instruction shall be provided to the panel counsel for the respondent bank so that this Court can proceed to pass orders on merit.

3. Re-list this matter on 02.02.2024.”

3. In the light of the order dated 05.01.2024, the Zonal



Manager, Zonal Office, Patna, communicated its decision dated 24.07.2024 while highlighting paragraph-13 of the Punishment Chapter of Vigilance Manual and explained in that the Disciplinary Authority ceases to convert the order of removal from service to that of compulsory retirement read with the Indian Bank Officer Employees' (Discipline & Appeal) Regulations, 1976 to review/revisit its decision/order of the Disciplinary Authority.

4. If such a legal hurdle is forthcoming for the Disciplinary Authority to take action in that event the order of the Respondent no.4 dated 06.06.2008 as contained in his Ref. No.ZON/VIG/DA/08/4094 dated 06.06.2008 (Annexure-21 to the writ petition) and the order of the Appellate Authority (Respondent no.3) dated 11.07.2015 as contained in his letter no.HO/PA/DC/Appeal/15/765 dated 11.07.2015 (Annexure-25 to the writ petition) are set aside and the matter is remanded to the Disciplinary Authority to revisit and take a decision to modify the penalty of removal from service to that of compulsory retirement in view of the observation made in the order dated 05.01.2024 within a period of three months from the date of receipt of this order and to pass order of compulsory retirement w.e.f. 06.06.2008. Consequently, whatever the



monetary benefits to be payable, the same shall be calculated and disbursed in favour of the petitioner.

5. With the above observation, the instant writ petition (C.W.J.C. No.12850 of 2015) stands allowed.

6. Pending Interlocutory Application(s), if any, stands disposed of.

C.W.J.C. No.4008 of 2018:

7. Learned counsel for the petitioner submitted that the instant writ petition does not survive for consideration in view of the Judgment passed today, i.e., on 06.12.2024, in C.W.J.C. No.12850 of 2015.

8. Accordingly, the instant writ petition (C.W.J.C. No.4008 of 2018) stand disposed of.

(P. B. Bajanthri, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2024.
Transmission Date	NA

