

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15826 of 2023

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Aditya Kumar Sharma Son of Late Suresh Prasad Sharma, Resident of Road No. Pashupalan Gali, Choti Daulatpur, P.S. Jamalpur, District- Munger, presently working at Singhia Branch, Shiv Khund, District- Munger.

... .. Petitioner/s

Versus

1. The Chairman-cum-Chief Managing Director Indian Bank, Head Quarter, at Chennai.
2. The General Manager (R and L/CMC)-cum-Appellate Authority, Indian Bank, Corporation Office, 254-260, Avvai Shanmugam Salai, Royapettah, Chennai- 600014.
3. The Deputy General Manager (HRM)-cum-Appellate Authority, Indian Bank, Avvai Shanmugam Salai, Royapettah, Chennai- 600014.
4. The Zonal Manager, Zonal Office, Indian Bank, Patna.
5. The Assistant General Manager-cum-Disciplinary Authority, Indian Bank, 1st Floor, Govind Bhawan, New Dak Bunglow Road, Patna.
6. The Branch Manager, Jamui Branch, Indian Bank, Jamui (Bihar).
7. The Branch Manager, Sabour Branch, Indian Bank, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajoy Kumar Singh, Advocate
For the Respondent/s	:	Mr.Ajit Kr. Sinha, Advocate
		Ms.Minu Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of writ, order of direction, especially in the nature of Certiorari for setting aside the order contained in Ref. CO/HRM/IRC/Patna/Appeal/58246/2023-24 dated 02.09.2023 passed by the Deputy General Manager (HRM)-cum-Appellate Authority, Indian Bank, Chennai, the Respondent No. 3, by



which the appeal petition preferred by the petitioner vide letter dated 16.08.2023 has been refused on the ground that the same has not been preferred within the stipulated time period, as contained in Annexure: P/1 & P/2 to this petition.

(ii) For quashing of the order, as contained in memo no, ZO/PAT/VIG/1598/2016-17 dated 28.12.2017 passed by the Chief Manager (HRM) and order passed by the Assistant General Manager-cum-Disciplinary Authority, whereby and whereunder petitioner was awarded the proposed punishment and imposed the punishment of "Bringing down to lower stage in the scale of pay by two stages" under clause 6(e) of the Memorandum of settlement of disciplinary action and procedure therefor" dated 10.04.2002 as amended from time to time, as contained in Annexure: P/3 to this petition."

2. At the outset, the learned counsel for the petitioner submits that though a co-ordinate Bench of this Court vide order dated 20.07.2023, passed in CWJC No.7050 of 2021 had granted liberty to the petitioner to file an appeal but still the appeal filed by the petitioner has been rejected vide order dated 02.09.2023, merely on the ground of the same being time barred.

3. The learned counsel appearing for the respondent



Bank has not been able to refute the aforesaid contention, advanced by the learned counsel for the petitioner, thus this Court deems it fit and proper to quash the order dated 02.09.2023, passed by the Deputy General Manager (HRM) i.e. the appellate authority and remand the matter back to him for deciding the appeal filed by the petitioner, on merits, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks from today.

4. It is made clear that this Court has not expressed any opinion on the merits of the case.

5. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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