

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5753 of 2018

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Awadhesh Singh Son of Late Sheonath Singh, Resident of Village- Bhalua,
P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The Punjab National Bank Through Its Chairman
2. The Zonal Manager, Punjab National Bank, Zonal Office, R Block, Patna.
3. The Deputy General Manager, Punjab National Bank cum Disciplinary Authority Circle Office, Muzaffar
4. The Regional Manager, Punjab National Bank Regional Office, Muzaffarpur.
5. The Manager cum Enquiry Officer, C/o Regional Manager, Punjab National Bank, Muzaffarpur.
6. The Manager Punjab National Bank, Dindayalpur Branch, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Akhilesh Kumar, Advocate Mr. Sanjay Kumar Pandey No.5, Advocate Mr. Prince Kumar Mishra, Advocate Mr. Santosh Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Kumar Priya Ranjan, Advocate
For the PNB	:	Mr. Suryakant Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-02-2024

Heard learned counsel for the petitioner, learned
counsel for the State, and learned counsel for the Bank.

2. Interlocutory Application No. 1 of 2024 has been
filed for adding one more prayer in the writ petition challenging
the order dated 22.04.2019 passed by the Zonal Office /
Appellate Authority in his departmental proceeding. During
pendency of the present petition bearing CWJC No. 5753 of
2018 in which the petitioner has challenged the order dated



29.03.2017 passed by the Disciplinary Authority -cum – the Deputy General Manager, Circle Office, Muzaffarpur.

3. Learned counsel for the Bank raised a preliminary objection and submits that it is the categorical stand of the Bank that the disciplinary proceeding has been initiated against the petitioner during his service in the Bank at the rank of Clerk-cum-Cashier. The said rank comes within the category of workman and the remedy available to the petitioner before the Central Government Industrial Tribunal-cum- Labour Court. therefore, the Interlocutory Application may not be allowed and instead thereof, the petitioner may be directed to challenge both the original and the appellate order passed by the disciplinary authority before the Central Government Industrial Tribunal-cum- Labour Court which has been under the provisions of Industrial Disputes Act, 1947 for adjudication of industrial disputes arising in Central Sphere.

4. Learned counsel for the State, on the other hand, submits that the petitioner has earlier moved before this Hon'ble Court in CWJC No. 5873 of 1997 which was decided in his favour on 24.08.2012 and subsequently, challenged by the Bank in LPA No. 1847/2012 which was dismissed vide order dated 31.03.2016 and on this ground that the case of the petitioner has



earlier looked by the single Bench as well as by the Division Bench, there is no need for him to move before the Tribunal and this case may be decided in the writ petition itself.

5. Upon perusal of those orders passed by the Hon'ble Single Bench as well as the Division Bench (Annexure -8 and 9), it transpires to this Court that the CWJC was disposed of directing the Bank to provide the enquiry report of the disciplinary proceeding and to restart the proceeding afresh against which the Bank preferred LPA and this Hon'ble Court has ordered that there is no merit in the appeal and for a fair trial, the Bank ought to provide the enquiry report. Thereafter, a fresh order was passed in the disciplinary proceeding which has been challenged by the petitioner in CWJC No. 5753/2018 which is the present writ petition and during pendency of the present writ petition, the appellate forum decided the disciplinary appeal against the petitioner which the petitioner has challenged by the said interlocutory application.

6. From the pleadings of the parties, it transpires to this Court that the actual remedy lies to the petitioner before the Central Government Industrial Tribunal-cum- Labour Court. Therefore, this Court without entering into the merit of the case directs the petitioner to avail remedy before the Central



Government Industrial Tribunal-cum- Labour Court concerned within 60 days from the date of production of a copy of this order. The Central Government Industrial Tribunal-cum- Labour Court is directed to decide the appeal of the petitioner within six months thereafter by passing a reasoned and speaking order.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	23/02/2024
Transmission Date	NA

