

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.27 of 2022

In

Civil Writ Jurisdiction Case No.3775 of 2007

Umesh Kumar Singh S/o Late Ramdayal Singh R/o Indira Nagar Bank Colony, Atardah, P.S.- Sadar, District- Muzaffarpur.

... .. Appellant/s

Versus

1. Vaishali Kshetriya Gramin Bank now renamed as North Bihar Kshetriya Gramin Bank through its Board of Directors, having its Head Office at Kalambagh Road, Muzaffarpur.
2. The Chairman cum Disciplinary Authority, Vaishali Kshetriya Gramin Bank now renamed as North Bihar Kshetriya Gramin Bank Kalambagh Road Muzaffarpur.
3. Shri Aditya Prasad Chaudhary S/o name not known to appellant the then Area Manager cum Enquiry Officer Vaishali, Kshetriya Gramin Bank now renamed as North Bihar Kshetriya Gramin Bank Kalambagh Road Muzaffarpur through the Chairman cum Disciplinary Authority.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Manoj, Advocate
For the Respondent/s : Mr. Prabhakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 10-09-2025

Heard Mr. Manoj Kumar Manoj, learned counsel for the appellant and Mr. Prabhakar Jha, learned counsel appearing on behalf of the Bank.

2. The present appeal is directed against the order dated 25.11.2021 passed in C.W.J.C No. 3775 of 2007 whereby and whereunder prayer for reinstating the appellant with all consequential benefits and treating him in continuous



service by setting aside the entire ex-parte disciplinary proceedings, has been rejected and the writ petition has been dismissed.

3. Learned counsel for the appellant submits that while the appellant was working as Branch Manager of the bank in question and after transfer from Salha Branch to Katahara Chowk Branch, all of a sudden the appellant was suspended vide letter dated 17.12.1996 for the alleged incident of fire at Salha Branch on 03.11.1996 and for deliberately burning the records and documents involving fund embezzlement of Rs. 21 lakhs.

4. Learned counsel for the appellant submits that he has replied to the article of charges but the disciplinary authority dissatisfied with the appellant's explanation proceeded to hold an inquiry and concluded imposition of penalty of dismissal from service. He further submits that the appellant had preferred an appeal before the appellate authority on 15.02.2001 and the said appeal is still pending for consideration before the appellate authority. He further submits that the alleged misconduct against the appellant was after the transfer from the Salha Branch.

5. Learned counsel for the respondent-Bank



submits that the alleged allegation stated in the charge memo are relating to the period when the appellant was Branch Manager of Salha Branch and not after 19.10.1996 the date on which he was transferred from Salha Branch to Katahara Chowk Branch. He further submits that even assuming that insofar as the charge no. 6 is concerned, it was a subject matter of criminal proceedings in which the appellant was acquitted, the remaining charge nos. 1 to 5 suffice to impose penalty of dismissal from service.

6. Learned counsel for the Bank further submits that the appellant in the first time in the writ proceeding had taken stand that he has not given the documents as required. He further submits that in providing the documents, the appellant had remedy before the disciplinary authority or before this Court at the relevant period of time, but the appellant has not invoked the remedies and apart from that the appellant has not filed any appeal before the appellate authority against the order of dismissal dated 28.03.2000.

7. Learned counsel for the Bank has produced a letter dated 22.01.2007 (Annexed with supplementary counter affidavit in the writ proceeding) which is reproduced herein below:-



Handwritten: D
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उत्तर बिहार कृषि ग्रामीण बैंक
आदर्श शाखा, कलानगरी चौक, मुजफ्फरपुर शहर, २४२ ००१



Sponsored By : Central Bank of India
UTTAR BIHAR KSHETRIYA GRAMIN BANK
OFFICE, KALANAGRI CHOWK, MUZAFFARPUR, BIHAR, 242 001
☎ 2268141/1712244088, 2267918 Fax: 30821 0243089
Website : ubibank.co.in
E-mail : info@ubibank.co.in
Date : 22.01.2007

Head Office Letter No. : DA/WO/2006-07/383

Sri Unesh Kumar Singh
Indranagar Bank Colony
Aardak P.O.: Ramana
Dist.: Muzaffarpur

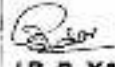
Re: Your appeal against Order dated 28.03.2000 issued by the then Disciplinary Authority of erstwhile Vaishali Kshetriya Gramin Bank.

Ref: Your letter dated 26.12.2006 and 16.01.2007

With reference to your above letters dt 26.12.2006 and 16.01.2007, we are to inform that no appeal has been received by erstwhile Vaishali Kshetriya Gramin Bank against Order of Disciplinary Authority dt 28.03.2000 as being claimed through your above letters.

Hence, question of pending of appeal at our end does not arise.

This is for your information.


[R. B. YADAV]
CHIEF MANAGER

8. The aforesaid letter suggest that the appellant has not preferred an appeal against the order of dismissal and altogether six charges are extracted in respect of various dates from 31.12.1993 to 26.08.1996 and 03.11.1996. The charge nos. 1 to 5 suffice to impose major penalty of dismissal from service for the reasons that the customers of the appellant's bank have trust with the bank. The appellant being the manager of the branch should have discharged duties in accordance with the regulations of the Bank. Apart from that the appellant has not



furnished any material on record which suggest that the appellant had filed appeal before the appellate authority and was not given sufficient opportunity to defend his case.

9. Learned counsel for the Bank further submits that the appellant have given sufficient opportunities on 12.02.1999, 05.03.1999, 19.03.1999, 04.05.1999, 18.05.1999, 28.05.1999 and 29.05.1999 to defend his case but the appellant chose not to co-operate in the proceeding, therefore, ex-parte proceeding was concluded against the appellant.

10. We have heard learned counsel for the parties and perused the material available on records and we are of the view that no case is made out for interference of this Court in the order dated 25.11.2021 passed in C.W.J.C No. 3775 of 2007.

11. Accordingly, the present letters patent appeal stands dismissed.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2025
Transmission Date	NA

