

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3505 of 2024

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Rajendra Prasad Bhagat Son of Late Bochan Prasad Bhagat, Resident of Village-Pologram, PO Gulabbagh, P.S. Purnia Sadar Distirct-Purnea, Bihar-842001.

... .. Petitioner/s

Versus

1. Uttar Bihar Gramin Bank, through its Chairman, Head Office, Kalambagh Chowk Muzaffarpur, Bihar 842001
2. The Chairman, Urrar Bihar Gramin Bank, Head Office, Kalambagh Chowk Muzaffarpur, Bihar 842001
3. The Chief Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk Muzaffarpur, Bihar 842001

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Priya Ranjan, Advocate
	:	Mr. Sudarshan Bharadwaj, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-09-2025 Heard learned counsel for the petitioner and learned counsel for the Bank.

2. This application has been filed for seeking following reliefs:

“i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing the order contained in letter no. HO/DAD/08/15-16/No. 831 dated 02/04.03.2016 passed by the Respondent Chairman cum the Disciplinary Authority whereby and whereunder the petitioner has been held to be guilty of the alleged misconducts and punishment of dismissal has in imposed upon the petitioner under Regulation 39 (1) (b) (v) of



the Uttar Bihar Gramin Bank (Officers & Employees) Service Regulations, 2010.

ii) Consequent to grant of relief no. (i), to issue further appropriate writ order or direction in the nature of mandamus commanding the Respondent Authorities to release the post-retirement benefits of the petitioner along with consequential financial benefits which have been withheld on account of his dismissal.

iii) This Hon'ble Court may adjudicate and hold that the order of dismissal imposed upon the petitioner is exfacie illegal and de hors the Uttar Bihar Gramin Bank (Officer and Employees) Service Regulation 2010 since the same do not permit imposition of punishment of dismissal after superannuation of an employee

iv) This Hon'ble Court may adjudicate and hold that the ex-parte order contained in letter no. HO/DAD/08/15-16/No. 831 dated 02/04.03.2016 passed by the disciplinary authority is in gross violation of principles of natural justice as the same has been passed without affording petitioner adequate opportunity to defend himself.

v) This Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities in imposing punishment of dismissal upon the petitioner is completely unjustified in light of the fact that there is absolutely no tangible evidence on record of any



deliberate latches or misconduct on the part of the Petitioner.

vi) This Hon'ble Court may further adjudicate and hold that the actions of the Respondents in finding the Petitioner guilty of misconduct merely on the basis of suspicion and fixing liability on the basis of presumptions and conjectures is an act of mala fide and complete arbitrary exercise of authority/power.

vii) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.”

3. The petitioner has been dismissed after holding an *ex-parte* inquiry as he was not available to participate in the inquiry on account of his suffering from back pain.

4. Learned counsel for the petitioner submits that the petitioner was undergoing treatment for back pain at Batra Hospital and Medical Research Centre and was also receiving other medical treatments and, therefore, he could not participate in the inquiry.

5. The learned counsel for the Bank submits that the petitioner has not participated in the departmental proceeding, therefore, he has been dismissed in *ex-parte* departmental proceeding. He submits that against the dismissal order, the



petitioner has not preferred any appeal.

6. I have considered the submissions of the parties. It is an admitted position that the petitioner has been dismissed by holding an *ex-parte* inquiry, though there is provision for appeal, but once the petitioner has been terminated without following principles of natural justice, this application is held to be maintainable against the termination order.

7. In view of the law laid down by the Hon'ble Supreme Court in the case of *Nisha Devi v. State of H.P.*, reported in *(2014) 16 SCC 392* and having considered the discussions made above, this application is allowed. The order contained in letter no.HO/DAD/08/15-16/No. 831 dated 02/04.03.2016 passed by the respondent Chairman-cum-Disciplinary Authority is hereby quashed with liberty to the Bank to move afresh against the petitioner in accordance with law.

(Sandeep Kumar, J)

anand/-

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