

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20294 of 2012

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Sujay Kumar Singh Son Of Shree Jagdish Singh Resident Of Shree Krishna Nagar, Police Station - Motihari Town, District - East Champaran Motihari Posted As Single Window Operator At Punjab National Bank, Branch Office Gambhirar, Police Station - Raghunathpur, District - Siwan

... .. Petitioner/s

Versus

1. The Punjab National Bank through the Chief Manager, Punjab National Bank, Patna.
2. The Circle Head, Circle Office, Punjab National Bank, Muzaffarpur
3. The Chief Manager, Disciplinary Authority, Punjab National Bank, Circle Office, Muzaffarpur
4. Mr. Rakesh Chandra, the Then Senior Manager, Punjab National Bank, Branch Office Majhoulia, Police Station Majhoulia, District-West Champaran.
5. Mr. Praveen Kumar, the Then Officer Punjab National Bank, Branch Office Majhoulia, District West Champaran.
6. The Manager Cum Enquiry Officer, D.C. Prasad, then Manager, Punjab National Bank, Branch Office, J.L Road, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sujay Kumar Singh, In-person.
For the Respondent/s	:	Mr. Kumar Priya Ranjan, Advocate
For the PNB	:	Mr. Mritunjay Kumar, Advocate
		Mr. Ram Ganesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

16 18-08-2025 Heard the petitioner, Sujay Kumar Singh, In-person
and learned counsel appearing for the Punjab National Bank.

2. The petitioner has prayed for the grant of following
reliefs:



“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 22.06.2011 issued under the signature of the Chief Manager, Disciplinary Authority, Patna by which he has confirmed the punishment of "bringing down to the lower stage in the scale of pay by two stages as per clause 6 (e) of the Bipartite Settlement dated 10.4.2002 in the matter of charge sheet dated 2.7.2008 served upon the petitioner and also for quashing the order dated 5.12.2011 passed by the appellate authority the Assistant General Manager, Circle Office, Muzaffarpur by which he has rejected the appeal of the petitioner confirming the order dated 22.6.2011 passed by the Chief Manager Disciplinary Authority, Patna imposing upon him the punishment of "bringing down to the lower stage in the scale of pay by two stages" as per clause 6 (e) of the Bipartite Settlement dated 10.4.2002 in the matter of charge sheet dated 2.7.2008 served upon the petitioner.

(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the scale pay by which has been "bringing down to the lower stage in the scale of pay by two stages as per clause 6 (e) of the Bipartite Settlement dated 10.4.2002 in the matter of charge sheet dated 2.7.2008 served upon the petitioner.

(iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to treat the aforesaid period of service of the petitioner as regular.

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

3. In paragraph-4 of the writ application the petitioner has stated that the petitioner was posted as Single Window Operator at Punjab National Bank, Branch Office Gambhirar,



P.S.-Raghunathpur, District-Siwan. Paragraph-4 of the writ application is quoted herein below for needful.

“4. That, the petitioner, namely, Sujay Kumar Singh, son of Shree Jagdish Singh, resident of Shree Krishna Nagar, Police Station-Motihari Town, District-East Champaran (Motihari), posted as Single Window Operator at Punjab National Bank, Branch Office Gambhirar, Police Station-Raghunathpur, District-Siwan.”

4. At the outset, learned counsel appearing for respondent Punjab National Bank has raised an objection regarding maintainability of the present writ application by submitting that the petitioner, in view of the nature of work that he was performing as a Single Window Operator at Punjab National Bank qualified as a ‘workman’ within the meaning as defined under Section 2(s) of the Industrial Disputes Act, 1947 and, therefore, he should have sought his remedy under the provisions of the Industrial Disputes Act, 1947. Instead of availing the remedy provided by Industrial Disputes Act, 1947, the petitioner has straightaway rushed to the High Court and hence the present writ application is not maintainable and should be accordingly dismissed.

5. When the petitioner who appears in-person was confronted with the above objection raised by learned counsel



appearing for Punjab National Bank, instead of answering the objection on merit the petitioner submits that although he is a 'workman' but he is not willing to avail the remedy provided by the Industrial Disputes Act, 1947. He, however, submits that he is prepared to file a representation before the Circle Head, East Champaran, Motihari of Punjab National Bank for redressal of his grievances.

6. Considering the submissions made by the petitioner in person and learned counsel appearing for Punjab National Bank, this writ application is held to be not maintainable as the petitioner has the remedy under the Industrial Disputes Act, 1947. However, considering the submissions made by the petitioner that he does wish to avail the alternate remedy and wants to prefer a representation before the Circle Head, East Champaran, Motihari of Punjab National Bank for redressal of his grievances, the said liberty is granted to the petitioner to file such a representation before the Circle Head, East Champaran, Motihari of Punjab National Bank within one month from the date of this order. If such a representation is filed, the same shall be heard and disposed of by the Circle Head, East Champaran, Motihari of Punjab National Bank within further period of three months, after giving an opportunity of hearing to the petitioner



in-person. It is however made clear that if the representation of the petitioner is disallowed then he may challenge the same in accordance with the law.

7. With the aforesaid observation and direction the present writ application is dismissed with liberty as aforesaid.

(Alok Kumar Sinha, J)

Prakash Narayan

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