

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4888 of 2011

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AMRENDRA JHA S/O Sri Ugra Narayan Jha At P.O. Sitapur, Via Balua
Bazar, Distt. Supaul, Bihar.

... .. Petitioner/s

Versus

1. Punjab National Bank
2. Dy General Manager, Appellate Authority, Human Resources Development
Division, Punjab National Bank
3. Chief Manager, Disciplinary Authority, Punjab National Bank, Circle Office
Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary
For the Respondent/s : Mr.Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

13 20-01-2025 Heard learned counsel for the petitioner and learned
counsel for the Punjab National Bank.

2. The present Writ Petition has been filed for
quashing of order dated 09.07.2010 passed by respondent No.2,
namely, the Dy. General Manager (Appellate Authority), Punjab
National Bank whereby and whereunder has affirmed the order
of punishment dated 08.04.2009 passed by the Chief Manager
(Disciplinary Authority) whereby the petitioner has been
awarded the punishment of compulsory retirement.

3. The learned counsel for the Bank raised a
preliminary objection regarding the maintainability of the
present Writ Petition, arguing that the petitioner was a Class-III



employee and not in a managerial position. He further submits that as per the applicable legal provisions, the petitioner should have moved before the Central Government Industrial Tribunal-cum-Labour Court, rather than filing a Writ Petition in this Court. To support this argument, the learned counsel cited a judgment passed by this Court in **CWJC No. 5753 of 2018 (Awadhesh Singh Vs. the State of Bihar and Ors.)**, specifically referring to paragraph 6 of the judgment as under :-

"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."

4. This Court in the light thereof, directs the petitioner to move before the Central Government Industrial Tribunal-cum - Labour Court concerned to resolve the matter. The Central Government Industrial Tribunal-cum- Labour Court concerned is directed to pass order within 90 days from the date it receives the copy of the order along with the relevant case



files. Additionally, this Court specifically directs the learned counsel for the Bank to cooperate with the proceedings and ensure that no unnecessary adjournments should be sought by the Bank.

5. With the aforesaid observation and direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J)

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