

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.928 of 2023

In

Civil Writ Jurisdiction Case No.11400 of 2015

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Mohan Kumar Singh Son of Balmukund Singh, Resident of Village- Jagdeo Path, Bailey Road, Saraswati Bihar Colony, P.S. Shastri Nagar, District - Patna.

... .. Appellant/s

Versus

1. The Chief Manager (H.R.D.), Central Bank of India Human Resources Department (BMK), Central Bank of India, Patna.
2. The Regional Manager, Central Bank of India, Regional Office, Patna.
3. The Assistant General Manager, Regional Office, Patna.
4. The Enquiry Officer/Manager, Regional Office, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Gaurav Govind, Advocate
For the Respondent/s : Mr. Ajay Kumar Sinha, Sr. Advocate
Mr. Ajit Kumar Sinha, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 10-02-2025

We have heard Mr. Gaurav Govind, the learned Advocate for the appellant and Mr. Ajay Kumar Sinha, the learned Senior Advocate for the respondent/Bank.

2. The appellant stood dismissed after a departmental proceeding initiated against him for having sexually harassed a women officer in the Bank.



3. The learned counsel for the appellant has submitted that the inquiry report only reveals that the defence of the appellant was not taken into account. The defence of the appellant was that on the day when the occurrence took place, he had accidentally come to the Branch where the complainant/woman officer was posted and had met another officer, who was named by him. That officer actually appeared before the Inquiry Officer and had stated that he was on leave on that day.

4. The other ground raised on behalf of the appellant before the Inquiry Officer was that he was acquitted in the criminal case relating to the charge of assaulting the female officer concerned.

5. We find from the records that the acquittal was because of no witness turning up to the witness-box. This acquittal could not be considered to be an honourable acquittal on merits.

6. Even otherwise, the allegation raised by the woman officer was supported by her during the inquiry



proceedings.

7. We were first not inclined to enter the merits of this case on the ground of this appeal having been filed after a delay of 5 years 9 months and 13 days.

8. However, on the appellant showing that against the judgment passed by the learned Single Judge on 15.09.2017 in C.W.J.C. No. 11400 of 2015, he had preferred a review petition, though belatedly, but the same was disposed off only in the year 2022 and the appeal was, thereafter, filed in the year 2023, we have entertained this appeal.

9. For the afore-noted reasons, the delay of 5 years 9 months and 13 days in preferring this appeal is, hereby, condoned.

10. I.A. No. 01 of 2023 stands allowed.

11. However, on merits, we find that the appellant has not been able to make out any case for interference with the judgment delivered by the learned Single Judge. The domestic inquiry against the appellant



was conducted in all fairness and by observing the procedural requirements. No vulnerability could be pointed out by the appellant.

12. The appeal is dismissed.

13. Interlocutory application/s, if any, also stand disposed off accordingly.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sauravkrsinha/
Praveen-II-

AFR/NAFR	NAFR
CAV DATE	NA
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