

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.197 of 2025

In
Civil Writ Jurisdiction Case No.4888 of 2011

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Amrendra Jha S/O Sri Ugra Narayan Jha Resident of-At and P.O.- Sitapur,
Via-Balua Bazar, Police Station- Birpur, District - Supaul, Bihar.

... .. Appellant/s

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Nalin Vilochan Tiwary, Adv. Mr. Avinash Kumar, Adv. Mr. Ajay Kumar Mehta, Adv. Mr. Kumar Satyam, Adv.
For the Respondent/s	:	Mr. Mritunjay Kumar, Adv.
For the PNB	:	Mr. Suryakant Kumar, Adv. Mr. Ajit Kumar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-04-2026

The Letters Patent Appeal has been filed challenging the order dated 20.01.2025 passed by the learned Single Judge in CWJC No. 4888 of 2011. The writ petition was filed with a prayer for quashing of the order dated 09.07.2010, passed by the Dy. General Manager (Appellate Authority), Punjab National Bank whereby and whereunder the appellate authority has affirmed the order of punishment dated 08.04.2009, passed by



the Chief Manager, Disciplinary Authority, Punjab National Bank, Circle Office, Darbhanga whereby and whereunder the petitioner has been awarded the punishment of compulsory retirement.

2. When the matter was taken up on 20.01.2025, the learned counsel for the Bank raised a preliminary objection regarding maintainability of the writ petition and submitted that there is an alternative remedy available to the petitioner to challenge such order before the Central Government Industrial Tribunal-cum-Labour Court, and reliance has been placed on a judgment of this Court in the case of ***Awadhesh Singh -Vrs.- The Punjab National Bank & Ors., (CWJC No. 5753 of 2018)*** which came to be disposed off on 21.02.2024 by holding as follows:-

“4. Learned counsel for the State, on the other hand, submits that the petitioner has earlier moved before this Hon’ble Court in CWJC No. 5873 of 1997 which was decided in his favour on 24.08.2012 and subsequently, challenged by the Bank in LPA No. 1847/2012 which was dismissed vide order dated 31.03.2016 and on this ground that the case of the petitioner has earlier looked by the single Bench as well as by the Division Bench, there is no need for him to move before the Tribunal and this case may be decided in the writ petition itself.”

3. Learned counsel for the appellant contended that



when the matter was pending before this Court since 2011 and the pleadings are complete; the Court should have adjudicated the matter on its own merit rather than passing the impugned order giving liberty to the petitioner to approach the Central Government Industrial Tribunal-cum-Labor Court.

4. Learned counsel for the respondent, on the other hand, submitted that the order was passed on consensus, therefore, should not be interfered with.

5. Learned counsel for the appellant, however, submitted that there is no consensus to pass such order. For ventilating his grievance, learned counsel has placed reliance on a decision rendered by the Hon'ble Supreme Court in the case of **M/S Utkal Highways Engineers and Contractors -Vrs.- Chief General Manager & Ors., [Special Leave Petition (C) No. 15596 of 2022]**, which is held as follows:-

“Leave granted.

2. Heard learned counsel for the parties.

3. The order under challenge dated 15.03.2022 is passed by the High Court of Orissa at Cuttack in W.P.(C) No.8037 of 2011 whereby the writ petition filed by the appellant has been disposed of by relegating the writ petitioner (i.e., the appellant herein) to avail alternative remedy.

4. In the connected matter, the order under challenge is dated 05.01.2022 passed by the same High



Court whereby W.P.(C) No.16899 of 2010 filed by the appellant has been disposed of by relegating the writ petitioner (i.e., the appellant herein) to pursue its remedy before the authority.

5. The short submission of the learned counsel for the appellant in both the appeals is that the writ petitions were filed in the year 2010, parties had exchanged their affidavits, and the matters were ripe for final disposal. In these circumstances, without even advertng to the facts borne out from the affidavits exchanged by the parties, there was no justification for the High Court to relegate the appellant to avail other remedies.

6. In the light of the aforesaid submission, we put a specific question to Mr. K.M. Nataraj, learned senior counsel representing respondent, as to whether parties had exchanged their affidavits in the course of the writ proceedings.

7. Mr. K.M. Nataraj fairly stated that the parties had exchanged their affidavits. However, respondents had taken a plea that writ petitions related to a money claim, which had become barred by time, therefore, writ petition was not maintainable.

8. Be that as it may, the High Court has not dealt with the merits of the writ petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie. Further, throwing a writ petition on ground of availability of alternative remedy after 10 years,



particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence.

9. The High Court, in the impugned orders, has not set out any factual foundation of the kind which may suggest that there were disputed questions of fact that necessitated recording of evidence.

10. In these circumstances, we are of the view that the writ petition must be restored for fresh adjudication by the High Court. Consequently, we set aside the order of the High Court and restore the Writ Petition to its original number(s) for fresh adjudication in accordance with law.

11. The Civil Appeal is disposed of in the above terms.

12. Pending application(s), if any, shall stand disposed of.”

6. There is no dispute that against the impugned order, which was challenged before the writ Court, the alternative remedy is available with the Central Government Industrial Tribunal-cum-Labour Court and this fact could only be pointed out when it was taken up on 20.01.2025. Consequently, the learned Single Judge taking into account statutory alternative remedy, besides that, there has already been delay on account of the pendency of the matter before this Court, directed the concerned Court to expedite the matter and to pass order within



90 days with a further direction to the Bank to co-operate with the proceedings and further directed that no unnecessary adjournments is to be sought by the Bank. Therefore, on the face of the order we do not find any perversity in the same.

7. A Letters Patent Appeal before the Division Bench is the power which is exercised in the appellate jurisdiction by the High Court as a Court of correcting the error, if any, and if there is no evidence of any perversity, palpable, unreasonableness or any inconsistency with any particular position of law, the order cannot be interfered with in the exercise of the appellate jurisdiction.

8. In view of such settled position of law, since we do not find any perversity, we are not inclined to interfere with the same. Accordingly, the Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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AFR/NAFR	NAFR
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