

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1221 of 2017

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Shashi Bhushan Kumar Ojha Son of Sri Ram Sanjiwan Ojha, resident of
Mohalla - New Area, Sikandarpur Behind Zarda Factory , P.S. Muzaffarpur
Town , District - Muzaffarpur

... .. Petitioner/s

Versus

1. Uttar Bihar Gramin Bank, Kalambagh Chowk, Muzaffarpur through its
General Manager.
2. Chairman, Uttar Bihar Gramin Bank, Kalambagh Chowk, Muzaffarpur
3. General Manager, Uttar Bihar Gramin Bank, Kalambagh Chowk,
Muzaffarpur
4. Regional Manager, Uttar Bihar Gramin Bank, Siwan
5. Branch Manager, Uttar Bihar Gramin Bank, Amori Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Advocate Mr. Deepak, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, Advocate Mr. Amitesh Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

C.A.V. JUDGMENT

Date : 24-02-2026

In the instant writ petition, the point for
determination is as to whether an employee of Uttar Bihar
Gramin Bank could be dismissed from service after his
retirement on superannuation.

2. The petitioner was an Officer of Uttar Bihar
Gramin Bank, he was superannuated on 31.01.2016 while he
was holding the charge of Officer, Scale-II, Branch Sahwajpur-I
under Muzaffarpur (East), Regional Office.

3. While he was in service, he was served with a



memorandum of charge for disciplinary proceeding on 09.04.2016. After holding departmental inquiry, the Inquiry Authority held in guilty holding Charges Nos.1, 3, 4, 5, 7 and 9 fully proved and Charges Nos.2 and 6 partially proved. The Disciplinary Authority communicated the report of the Inquiry Authority and directed him vide letter dated 18/19.02.2016 (Annexure-P/4) to submit second show cause. The petitioner submitted the second show cause it was duly considered by the Disciplinary Authority and he passed an order of dismissal, which shall ordinarily be a disqualification for future employment in terms of Regulation 39(1)(b)(v) of Uttar Bihar Gramin Bank (Officers and Employees) Service Regulations-2010. The record of the writ petition further shows that the petitioner preferred an appeal against the said order of dismissal. The appeal was disposed of by the Appellate Authority vide order dated 05.10.2016, affirming the order of dismissal passed by the Disciplinary Authority.

4. The petitioner raising the question of authority of the Disciplinary Authority as well as the Appellate Authority has raised the question as to whether the order of dismissal after superannuation can be passed by the respondents and invoked the jurisdiction of Article 226 of the Constitution of India praying for issuance of writ in the nature of certiorari quashing



the order passed by the Disciplinary Authority on 20.04.2016 and affirmed by the Appellate Authority on 05.10.2016. The petitioner has also prayed for issuance of writ in the nature of mandamus commanding the respondent-Bank to pay all the pre and post retiral dues to the petitioner with interest on quashing the order of dismissal.

5. This Court hears the learned Advocate on behalf of the petitioner and the learned Advocate on behalf of the respondent Bank.

6. The learned Advocate for the respondent Bank refers to the relevant Rule under the name and style of Uttar Bihar Gramin Bank (Officers and Employees) Service Regulations-2010. Rule 39 empowers the Disciplinary Authority to pass major penalties in appropriate cases of compulsory retirement, removal from service which shall not be a disqualification for future employment. The petitioner was dismissed from his service, which shall ordinarily be a disqualification for future employment.

7. The learned Advocate for the Bank next refers to Rule 45 of 2010 Regulations, which describes continuation of disciplinary proceeding after retirement. Rule 45 runs thus:-

“Disciplinary proceedings after retirement.- (1) An officer or employee who is



under suspension on a charge of misconduct and who attains the age of superannuation, shall be deemed to be in service even after the age of superannuation for the specific purpose of continuation and conclusion of the disciplinary proceedings and issue of final orders thereon.

(2) The officer or employee who is under suspension shall not be eligible for any subsistence allowance for the period beyond the date of superannuation.

(3) The officer or employee against whom disciplinary proceeding has been initiated shall cease to be in service on the date of superannuation but the disciplinary proceeding shall continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof.

(4) The officer or employee against whom disciplinary proceedings has The been initiated, shall not receive any pay and/or allowances after the date of superannuation and also not be entitled for the payment of retirement benefits till the proceeding is completed and final order is passed thereon except his own contribution to Contributory Provident Fund (CPF).”

8. A plain reading of Rule 45 states that for the purposes of disciplinary proceedings on a charge of misconduct by an employee who attains the age of superannuation, he shall



be deemed to be in service even after the age of superannuation for the specific purpose of continuation and conclusion of the disciplinary proceedings and issue of final orders thereon.

9. Sub-Rule (3) of Rule 45 states that the officer or employee against whom disciplinary proceeding has been initiated shall cease to be in service on the date of superannuation but the disciplinary proceeding shall continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof.

10. Sub-Rule (4) of Rule 45 creates a bar from receiving any pay and/or allowances as well as retirement benefit after the date of superannuation of the charged employee till the proceeding is completed and final order is passed thereon, except his own contribution to Contributory Provident Fund (CPF).

11. Rule-45 of Uttar Bihar Gramin Bank (Officers and Employees) Service Regulations-2010, thus, clearly empowers the Bank Authority to continue with the disciplinary proceeding and passed any penalty even after superannuation of an employee of the Bank. Therefore, this Court does not find any illegality or arbitrariness in the impugned orders dated 20.04.2016 and 05.10.2016. When the petitioner is dismissed from service, he is not entitled to get any arrear pay and



allowances or retiral benefits.

12. Lastly, it would not be out of place to mention that the petitioner did not challenge the process of inquiry, manner of conducting such inquiry, illegality, arbitrariness and malafide against the order of the Disciplinary Authority and the Appellate Authority. The writ petition was confined, only raising the question mentioned in the first paragraph of this judgment.

13. This Court on due consideration of 2010- Regulations finds that the respondent Authority is well within its legal and statutory parameter in passing the impugned orders.

14. Thus, I do not find any merit in the instant writ petition. Accordingly, the instant writ petition is dismissed on contest.

15. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

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AFR/NAFR	NAFR
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