

(2019) 10 PAT CK 0085

In the Patna High Court

Case No : Letters Patent Appeal No. 822 Of 2019 In Civil Writ Jurisdiction Case
No. 11554 Of 2014

Punjab National Bank Through And Ors

APPELLANT

Vs

Abhishek Kumar

RESPONDENT

Date of Decision : 25-10-2019

Acts Referred:

Citation : (2019) 10 PAT CK 0085

Hon'ble Judges : Amreshwar Pratap Sahi, CJ; Ashutosh Kumar, J

Bench : Division Bench

Advocate : Raj Nandan Prasad, Niranjana Kumar

Final Decision : Disposed Of

Judgement

Re. I.A. No. 2 of 2019:

1. Heard learned counsel for the appellants.
2. The aforesaid interlocutory application has been filed seeking condonation of delay of 80 days in filing the present appeal.
3. We find sufficient cause having been shown to condone the delay.
4. The I.A. No. 2 of 2019 stands allowed.

Re. L.P.A. No. 822 of 2019:

We have heard Shri Raj Nandan Prasad, learned counsel for the appellants/Bank and Mr. Niranjana Kumar, learned counsel for the respondent/employee.

2. Learned counsel for the appellants contends that the quashing of the order and the direction of reinstatement while issuing another direction for deciding the representation is an incompatible order inasmuch as, the respondent does not deserve to be reinstated so long his representation is not considered by the Bank.

3. We have considered the submissions raised and we are not reproducing the

facts in detail as it is already contained to the impugned judgment dated 29.03.2019.

4. We find that the learned Single Judge has rightly applied the law on the issue and has arrived at a conclusion that the employer was required to consider whether in the circumstances of the case, the alleged suppression did amount to any disadvantage against the respondent so as to terminate his services. This assessment having not been done, the learned Single Judge, in our opinion, has rightly quashed the order dated 12th of May, 2014 and has balanced the equities by issuing directions for deciding the representation as against also with regard to service benefits in Paragraph 24 of the impugned judgment.

5. We, therefore, do not find any reason to interfere with the impugned judgment.

6. The appellants/Bank shall proceed to take a decision as directed by the learned Single Judge after giving an opportunity to the respondent/petitioner.

7. The writ petition stands disposed off.