
(2011) 07 SHI CK 0072
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 20 of 2008

Shri S.P. Singh

APPELLANT

Vs

Himachal Gramin Bank and Others

RESPONDENT

Date of Decision : 21-07-2011

Acts Referred:

Citation : (2011) 07 SHI CK 0072

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Judgement

Surinder Singh, J.—By means of the present writ petition, although the Petitioner has challenged the order of his compulsory retirement (Annexure P10) dated 29.9.2006, passed by the Disciplinary Authority, yet the main grouse of the Petitioner is that no personal hearing was given in his appeal by the Board of Directors of Respondents No. 1 and 2. As such the order Annexure P12 dated 29.9.2007 dismissing his appeal has been sought to be quashed and set aside.

2. Heard and gone through the record.

3. In fact, the Petitioner joined the Respondent-Bank on 6.12.1988 as Officer Junior Management Grade-I (OJM-I). Later he was promoted as Middle Management Grade-II (MMG-II). On 27.11.2003 he was chargesheeted for the alleged misconduct and in domestic inquiry, he was held guilty. The Disciplinary Authority imposed major penalty of his compulsory retirement vide order Annexure P10 which was assailed by him in appeal filed on 27.9.2007 on various grounds. A request was also made that when the appeal would be listed before the Appellate Authority, he may be given an opportunity of personal hearing to prove his innocence.

4. Record of the Appellate Authority has been produced and perused by me. The matter of the Petitioner in appeal was heard by the Board of Directors, the Appellate Authority on 5.3.2007 and hearing was given to him but later before its decision, a new Chairman took over and the Board decided the appeal under his

Chairmanship who - 3 was not there when the Petitioner was heard, thus a prejudice has been caused to him.

5. Therefore, in the above circumstances, without commenting upon the merits of the case, the impugned order Annexure P12, passed by the Appellate Authority is against the principles of natural justice as such it is quashed and set aside.

6. Now there shall be a direction to the Appellate Authority to hear the Petitioner in support of his grounds of appeal after due notice to him. It is informed by the learned Counsel for the Respondents that the Board of Directors meets every two months. In view of this, let notice of hearing be given to the Petitioner for the next ensuing meeting of the Board of Directors which is Appellate Authority.

7. With these directions, the petition is disposed of, so also the pending application(s) if any.