

ITEM NO.54

COURT NO.13

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).7448/2017

(Arising out of impugned final judgment and order dated 27-09-2016 in WA No.64214/2005 passed by the High Court Of Judicature At Allahabad)

FATEHPUR KSHETRIYA GRAMIN BANK NOW KNOWN AS  
BARODA UTTAR PRADESH GRAMIN BANK & ORS.

Petitioner(s)

VERSUS

ASHOK KUMAR

Respondent(s)

Date : 22-04-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Ms. Praveena Gautam, AOR  
Mr. Jitesh P.Gupta, Adv.  
Mr. Pawan Shukla, Adv.  
Mr. Raja Ram, Adv.

For Respondent(s) Mrs. Rani Chhabra, AOR  
Ms. Neelam Kalsi, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The respondent who was working as a field officer/probationary Officer in the petitioner Bank was dismissed from service pursuant to a departmental enquiry and a recovery of Rs.57,550/- was ordered by the disciplinary authority. The order of dismissal and recovery was affirmed by the Appellate Authority. The High Court allowed the writ petition filed by the

respondent and set aside the order of dismissal dated 19.1.2005. The High Court directed reinstatement of the respondent with all consequential benefits. The High Court held that the respondent was not given sufficient opportunity to defend himself. The enquiry was held ex parte and the relevant documents were not supplied to the respondents.

In case the departmental enquiry is conducted in violation of principles of natural justice and opportunity is not given to the delinquent employee, the order of dismissal is liable to be set aside with a direction to the disciplinary authority to hold the enquiry afresh.

The judgment of High Court setting aside the order of dismissal is affirmed. However, the direction given by the High Court to reinstate the petitioner is set aside. We are informed by the learned counsel for the respondent that the petitioner is aged 57 years. He shall be treated to be under suspension. He shall be entitled for payment of 50% of back wages from the date of suspension till date.

The petitioner is directed to hold the departmental enquiry afresh expeditiously. The back wages and other consequential benefits payable to the respondent would depend upon the outcome of the enquiry.

The Special Leave Petition is accordingly,  
disposed of. Pending application(s), if any, stand  
disposed of.

(B.Parvathi)  
Court Master

(Kailash Chander)  
Assistant Registrar