

(2019) 10 CHH CK 0219

Chhattisgarh High Court

Case No: Writ Petition (S) No. 4115 Of 2008

Balkrishna Sharma

APPELLANT

Vs

Chhattisgarh Gramin Bank, Head
Office And Ors

RESPONDENT

Date of Decision: Oct. 24, 2019

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: M. K. Bhaduri, N. Naha Roy

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. Petitioner was visited with penalty of stoppage of one increment of the year 1987, which was to affect his future increments and as such, the

penalty of stoppage of one increment was with cumulative effect. Against this order (Annexure-P-3) dated 23.09.1988, the petitioner preferred an

appeal before the Appellate Authority through the Chairman of the Bastar Kshetriya Gramin Bank. The said Chairman passed an order (Annexure-P-

4) dated 27.02.1998 intimating the Manager of the Bank to inform the petitioner that his appeal being barred by limitation, the same cannot be

forwarded to the Appellate Authority i.e. the Board of Directors of the Bank.

2. After hearing learned counsel for the parties, I am satisfied with the argument raised by learned counsel for the petitioner that even if the appeal

was barred by limitation, the decision either to condone the delay or to dismiss the appeal in limine as barred by limitation is to be reached by the

Appellate Authority. The Chairman of the Bank, who himself imposes the penalty, at the first instance, cannot refuse to forward the appeal to the

Appellate Authority.

3. In view of the above, the order (Annexure-P-4), which is a communication intended to be served on the petitioner, and the consequent

communication to the petitioner vide Annexure-P-6 dated 11.03.2008 are quashed and the matter is remitted back to the Chairman of the Bank or the

Authority who is now functioning at par with the then Chairman of the Bank to forward the petitioner's appeal to the Appellate Authority within 30

days from today. The appellate Authority shall thereafter decide the petitioner's appeal in accordance with law.

4. It is made clear that this Court has not expressed any opinion on the petitioner's plea for condonation of delay or on merits of the appeal.

5. The writ petition stands disposed of in the above stated terms.