

(1999) 02 GAU CK 0013

Gauhati High Court

Case No: Second Appeal No. 59 of 1996

Cachar Gramin Bank and Others

APPELLANT

Vs

Dhurjati Chakraborty

RESPONDENT

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**Date of Decision:** Feb. 24, 1999**Citation:** (1999) 1 GLT 208**Hon'ble Judges:** J.N. Sharma, J**Bench:** Single Bench**Advocate:** N.M. Lahiri, for the Appellant; C.K.S. Baruah, for the Respondent

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### Judgement

J.N. Sarma, J.

This suit was filed by the Plaintiff-Respondent for declaration that the punishment which has been imposed on him by the Cachar Gramin Bank is without authority of law and that the punishment was inflicted only at the whims of the Chairman of the Bank. It was registered as Title Suit No. 144/91 before the Munsiff No. 1 at Silchar. A written statement was filed wherein the plea was taken that he has been punished after holding necessary domestic enquiry and in the domestic enquiry he was found to be guilty and accordingly the punishment was imposed. Before the trial court the Defendant, save and except the statement made in the written statement, nothing was produced before the trial court to show that this statement is correct. No record was produced, no evidence was adduced by the Defendant and accordingly the trial court having considered the case of the Plaintiff found that the punishment which was imposed on the Plaintiff was without authority of law, inasmuch as, it was done without following the due procedure of law and accordingly the suit was decreed. There was an appeal being Title Appeal No. 52/94 before the learned Asst. District Judge No. 1, Cachar and it was also dismissed. Hence this second appeal.

2. I have heard Mr N.M. Lahiri, learned Senior Counsel for the Appellants and Mr C.K. Sarma Baruah, learned Advocate for the Respondent.

3. This second appeal is concluded by concurrent finding of fact of both the courts below and both the courts below found that the punishment was imposed without following the due procedure of law. To substantiate the statement that there was inquiry there is no material. That being so, the second appeal stands dismissed.