

**(2006) 10 PAT CK 0068**

**Patna High Court**

**Case No:** LPA No. 326 of 1998

Babulal Mishra

APPELLANT

Vs

The United Commercial Bank  
and Others

RESPONDENT

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**Date of Decision:** Oct. 18, 2006

**Citation:** (2007) 1 PLJR 72

**Hon'ble Judges:** Barin Ghosh, J; Ajay Kr. Tripathi, J

**Bench:** Division Bench

**Advocate:** R.P. Birnaway For the State, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

Barin Ghosh and Ajay Kr. Tripathi, JJ.

On the last three days i.e. Monday, Tuesday and Wednesday no one appeared on behalf of the appellant and we passed over the matter. Even today no one is appearing on behalf of the appellant. It appears that a disciplinary proceeding was initiated, while a criminal case was also pending against the appellant. The disciplinary proceeding against the appellant was concluded, but the criminal proceeding was pending at that time when it was decided that any amount payable to the appellant employee over and above the subsistence allowance during the period of suspension shall be decided after the criminal proceeding is over. This decision had been challenged by filing the writ petition. The learned Single Judge, who dealt with the matter, felt that the decision taken by the disciplinary authority is not interferable.

2. We are also of the view that a correct stand had been taken by the disciplinary authority in the instant case inasmuch as the suspension was not only on account of initiation or contemplated initiation of disciplinary proceeding but also on account of lodgment of the criminal case against the appellant in course of which the appellant was arrested. In those circumstances this appeal is dismissed without any order as to costs.