

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5565 OF 2005

RAE BARELI KSHETRIYA GRAMIN BANK &amp; ORS.

... APPELLANTS

VERSUS

UDAI BHAN SINGH &amp; ANR.

...

RESPONDENTS

## O R D E R

The challenge in this appeal is to the order dated 3.12.2004

passed by the High Court of Allahabad whereby the High Court allowed

the writ petition of the respondent herein by setting aside the order of

dismissal dated 14.9.2000 and the order of the Appellate Authority dated

24.2.2001 and directed the appellant herein to reinstate the respondent

in service.

Briefly, the stated facts are as follows :

The respondent was a Bank Manager in the appellant's Bank.

Two chargesheets have been framed against the respondent, one on 26.4.1999 and the second on 15.7.1999. In both the chargesheets 7 articles of charge each were levelled against the respondent. A show-

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cause notice was issued to him on 20.8.1999. Thereafter, two inquiry officers were appointed on 25.8.1999. The inquiry officers are, P.C.Verma and B.K. Agnihotri. In the course of the proceedings, it appears that the respondent lodged a protest that since he has filed a complaint against the inquiry officer, P.C. Verma on 13.3.1999 he should not have been made the inquiry officer as there is likelihood of bias against the delinquent officer. Against inquiry officer, B.K. Agnihotri, he also levelled certain charges. According to him as B.K. Agnihotri is the henchman of the Chairman against whom the respondent filed a criminal complaint and it was pending. It appears that both the objections were overruled and the inquiry officer proceeded with the inquiry and ultimately found him guilty of all the charges levelled against him.

The other ground which has been considered by the High

Court is that the second show-cause notice was issued to the respondent

on 7.9.2000 along with inquiry report asking him to send his reply by

9.9.2000 that is within two days from the receipt of the second show-

cause notice. Admittedly, no show-cause reply was given. It is stated by

the learned counsel for the respondent that the respondent did not

receive the show-cause notice stated to have been sent on 7.9.2000. Be

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that as it may, we are of the clear view that by giving him too short notice

to give reply to the second show-cause notice appears to us suffers from

arbitrariness.

Having regard to the aforesaid contention, the High Court was

justified in setting aside both the orders of dismissal dated 14.9.2000

and the Appellate order dated 24.2.2001. We, however, do not agree

with the High Court that the respondent be reinstated in service. The

direction of the High Court with regard to the re-instatement of the

respondent herein is accordingly set aside.

Having regard to the facts and circumstances of the case, we

are of the view that ends of justice will be met if a fresh inquiry is

ordered to be held to which learned counsel of both the sides is readily

agreed. We accordingly direct the appellant herein to appoint a fresh

inquiry officer other than P.C. Verma and B.K. Agnihotri. It is stated

that the Chairman against whom a complaint has been filed is no more

there. We direct that the inquiry officer so appointed shall complete the

inquiry within a period of four months from today. We clarify that the

respondent shall co-operate and participate in the inquiry and no

unnecessary complaint shall be filed against the inquiry officer after his

appointment.

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The respondent shall be reinstated for the purpose of fresh inquiry, with liberty to the authority to proceed with the inquiry, by

placing the employee under suspension during the inquiry. (See:

paragraph 31 - Managing Director, ECIL, Hyderabad and others vs. B.

Karunakar & others, (1993) 4 SCC 727).

The appeal is disposed of accordingly.

.....J.

( H.K. SEMA )

.....J.

( V.S. SIRPURKAR )

NEW DELHI ,

FEBRUARY 20, 2007.

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ITEM NO.103

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5565 OF 2005

RAE BARELI KSHETRIYA GRAMIN BANK & ORS.

Appellant (s)

VERSUS

UDAI BHAN SINGH & ANR.

Respondent(s)

(With prayer for interim relief and office report )

Date: 20/02/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA  
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s)

Mr. Bharat Sangal,Adv.  
Mr. Samyadip Chatterji, Adv.  
Ms. Suchita Sharma, Adv.

For Respondent(s)

Mrs. Shobha Dikshit, Sr.Adv.  
Mr. Pradeep Misra,Adv.  
Ms. Manjula Gupta ,Adv  
Mr. Shambhu Prasad Singh, Adv.

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

Ends of justice will be met if a fresh inquiry is ordered to be held to which learned counsel of both the sides is readily agreed.

Accordingly, the appellant herein is directed to appoint a fresh inquiry officer other than P.C. Verma and B.K. Agnihotri. It is stated that the Chairman against whom a complaint has been filed is no more there.

We direct that the inquiry officer so appointed shall complete

the

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inquiry within a period of four months from today. It is clarified that the respondent shall co-operate and participate in the inquiry and no unnecessary complaint shall be filed against the inquiry officer after his appointment.

The respondent shall be reinstated for the purpose of fresh inquiry, with liberty to the authority to proceed with the inquiry, by placing the employee under suspension during the inquiry. (See: paragraph 31 - Managing Director, ECIL, Hyderabad and others vs. B. Karunakar & others, (1993) 4 SCC 727).

The appeal is disposed of accordingly.

(PAWAN KUMAR)

(ANAND SINGH)

COURT MASTER

COURT MASTER

(signed order is placed on the file)