

Gujarat High Court

Jayant vs Vijaya on 20 October, 2011

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Gujarat High Court Case Information System

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SCA/15979/2011 2/ 2 ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL  
CIVIL APPLICATION No. 15979 of  
2011

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JAYANT  
G JOSHI - Petitioner(s)

Versus

VIJAYA  
BANK & 2 - Respondent(s)

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Appearance  
:  
MR  
VIRAL M PANDYA for  
Petitioner(s) : 1,  
None for Respondent(s) : 1 -  
3.

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CORAM

:

HONOURABLE

MR.JUSTICE ANANT S. DAVE

Date  
: 20/10/2011

ORAL  
ORDER

1. Heard, learned Counsel for the petitioner.

2. It is submitted that against the order of dismissal, dated 26.10.2009, passed by the disciplinary authority, the petitioner preferred an appeal available under the rules before the disciplinary authority on 23.11.2009. At the same time, in Criminal Case No. 2345 of 2008, the competent Court, namely Metropolitan Magistrate, Court No.13, Ahmedabad, by judgment dated 31.03.2011, acquitted the petitioner, against which no appeal is preferred and the said judgment has become final.

3. In the above circumstances, in the fitness of things, it is desirable that the appellate authority decides the appeal preferred by the petitioner on 23.11.2009, keeping in mind the judgment dated 31.03.2011 delivered in Criminal Case No. 2345 of 2008, since, according to the learned Counsel for the petitioner, the charges in the departmental inquiry and the criminal case are similar in nature. Such a decision be taken by the appellate authority within a period of EIGHT WEEKS from the date of receipt of the order / writ of this Court, in accordance with law. In case if it is ENVISAGED under the rules, an OPPORTUNITY of personal hearing be given to the petitioner and he be informed, accordingly. The intimation in this regard be sent to the petitioner.

4. With the above observations, this petition is DISPOSED OF, at this stage. No order as to costs. Direct service is permitted.

(ANANT S. DAVE,J.) Umesh/ Top