
(2000) 03 KAR CK 0049
In the Karnataka High Court
Case No : Writ Appeal No. 5826 of 1999

Andhra Bank, Central Office, Hyderabad	APPELLANT
Vs	
M.L. Gopichander	RESPONDENT

Date of Decision : 20-03-2000

Acts Referred:

Citation : (2000) 87 FLR 274 : (2000) 3 KarLJ 499 : (2000) 2 KCCR 14 SN : (2000) 2 LLJ 307

Hon'ble Judges : Y. Bhaskar Rao, C.J;V. Gopala Gowds, J

Bench : Division Bench

Advocate : M/s. Kasturi Associates, for the Appellant; Sri P.S. Rajagopal, for the Respondent

Judgement

V. Gopala Gowda, J.—At the outset we are compelled to state that even though this is not at all a fit case for the Bank to pursue this litigation, the appellant-Bank, without application of mind, without proper legal advise and mis-concerting about the wastage of public money and valuable time of the officers, has come up in this appeal questioning the legality and validity of the order passed by the learned Single Judge who found that the Bank kept the respondent under suspension for nearly eight and half years during which period only four hearings for enquiry had been conducted and the penalty imposed is nothing more than censure. This case is a classic example as to how the officers at the helm of affairs are least bothered in the wastage of public money. If this kind of litigations are encouraged, the entire banking finance will have to be spent exclusively that not only the appellant-Bank officers but all others will open their eyes hereinafter before prosecuting litigations in Courts so as to reduce the unwanted and unnecessary burden on the exchequer.

2. In the very first ground of appeal it is admitted that no loss had been caused to the Bank on account of the alleged misconduct on the part of the respondent. It is further stated that the charges were all serious in nature, which have been admitted by the respondent. If that be the position, the imposition of mere

censure on the respondent belies and throws away the statements made in the first ground of appeal.

3. A perusal of the order of the learned Single Judge reveals that even though the charge-sheet was issued to the respondent on 8-8-1988, the enquiry was not conducted till 23-8-1993. Even the report submitted by the Enquiry Officer did not hold the respondent guilty of the charges. Disagreeing with the findings of the Enquiry Officer, the Disciplinary Authority censured the respondent. But, the period of suspension has been treated in a very peculiar manner. Added to that, the increments during the period of suspension have been sanctioned notionally. The suspension period has been ordered to be reckoned as active service only for the purpose of pension. The way in which the period of suspension has been treated and the monetary loss caused to the respondent would all clearly indicate that the Disciplinary Authority has no knowledge of service rules applicable to its officers and staff.

4. Denial of annual increments without imposing penalty to that effect is arbitrary, illegal and unjustified. The same could not have been done by the Bank. Though censure is imposed on the respondent, denial of increments amounts to imposition of penalty, which is impermissible in law. Lack of basic knowledge of service rules on the part of the Disciplinary and Appellate Authorities are glaring on the face of the record.

5. Even the Appellate Authority did not consider the appeal filed by the respondent in a proper perspective. There is no application of mind to the manner in which the matter was considered by the Disciplinary Authority. The learned Single Judge has rightly granted reliefs in favour of the respondent and there is no scope for interference by us.

6. The only technical flaw we found in the order of the learned Single Judge is, in the entire order it is not stated whether the writ petition is allowed or disposed of and whether the orders impugned in the writ petition have been quashed or not. That will not come to the rescue of the appellant-Bank and the order of the learned Single Judge cannot be nullified or set aside on that ground. The learned Single Judge properly considered the matter by assigning valid and cogent reasons but failed to state only the result of the writ petition. Having regard to the reliefs granted in favour of the respondent, it has to be assumed that the writ petition has been allowed and the orders impugned therein were quashed. Except to this extent, in other respects the order of the learned Single Judge is perfectly legal and valid and there are no grounds to interfere with the same.

7. Appeal stands dismissed. The appellant-Bank shall pay cost of Rs. 3,000/- to the respondent in addition to the cost awarded by the learned Single Judge.