
(2001) 06 PAT CK 0027
In the Patna High Court
Case No : C.W.J.C. No. 11418 of 1999

Asgar Ali

APPELLANT

Vs

The Vaishali Kshetriya Gramin Bank and Others

RESPONDENT

Date of Decision : 27-06-2001

Acts Referred:

Citation : (2001) 3 PLJR 321

Hon'ble Judges : Shiva Kirti Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Shiva Kirti Singh, J.—Petitioner in the capacity of clerk-cum-cashier of a Respondent Bank was charged with defalcation of Rs. 94,200/- belonging to 18 Account holders as well as two other charges. The Enquiry Officer, as appears from Annexure-3, found all the three charges proved against the Petitioner. On the basis of enquiry report the Petitioner was dismissed from service by the order dated 19.5.1997 (Annexure-1) and his appeal was also rejected by order dated 4.9.1999 (Annexure-2).

2. Petitioner has filed this writ application against the penalty of dismissal and for reinstatement mainly on the ground that the enquiry was not conducted fairly, in accordance with principle of nature justice and hence the enquiry report and the order of punishment are vitiated in law.

3. In the counter affidavit filed on behalf of Respondent-Bank it has been pointed out that during enquiry the Petitioner admitted to have written letter of admission of defalcation but took the plea that the Petitioner's grievance that he was not supplied with copies of various documents, it has been shown that he was allowed to examine the relevant papers as per his request. The other grievance of the Petitioner that his choice of one Arvind Kumar as defence representative was not allowed has been satisfactorily explained. The said Arvind Kumar was an out-sider and hence Petitioner was given option to appoint

another defence representative. The Petitioner appointed another defence representative who participated in the proceeding as such. Thus, on considering all the materials and circumstances, this Court does not find any illegality, or irregularity in conducting of the departmental enquiry or in award of the punishment of dismissal. Even if it is accepted that Arvind Kumar should have been allowed to act as defence representative, the fact that another person of Petitioner's choice acted as defence representative fully satisfies the requirement of natural justice and in any case no prejudice could be caused to Petitioner's defence on that account. Thus, this Court finds no merit in this writ application and the same is accordingly dismissed.