
(1999) 09 SC CK 0121

In the Supreme Court Of India

Case No : Civil Appeal No. 5341 Of 19991

Asstt. General Manager, SBI

APPELLANT

Vs

Thomas Jose and Another

RESPONDENT

Date of Decision : 17-09-1999

Acts Referred:

Citation : (2000) 10 SCC 260

Hon'ble Judges : S. S. M. Quadri, J;S. P. Bharucha, J;R. C. Lahoti, J

Bench : Full Bench

Final Decision : Allowed

Judgement

Syed Shah Mohammed Quadri, J.—Leave granted.

2. The first respondent was an employee of State Bank of India (appellant). He had joined as a Typist-cum-Clerk in 1976. When officiating as Cash Officer in a branch of the Bank, he made a withdrawal of Rs 3000 from the savings bank account of a third party with the Bank. He did so by forging the signature of the account-holder on the withdrawal form. He appropriated the amount for his personal use. The external auditors of the Bank detected this and an inquiry was made. The first respondent admitted that he had withdrawn Rs 3000 from the said account. A charge-sheet was issued to the first respondent wherein he again admitted his guilt. The enquiry officer found the charge against the first respondent proved. Consequent upon this finding, amounting to gross misconduct in terms of the Sastri Award and the Desai Award governing the Bank, the first respondent was dismissed from the Bank's service. His appeal was dismissed. An industrial dispute was raised. The Industrial Tribunal, acting thereon, found that the misconduct was proved but that the punishment of dismissal was too harsh. It, therefore, ordered reinstatement, as a Typist Clerk, without back wages. The Bank filed a writ petition in the High Court of Kerala impugning the Industrial Tribunal's award. The writ petition was dismissed. The appeal against that order was dismissed. The Division Bench of the High Court relied upon the judgment of this Court in *Scooters India Ltd. v. Labour Court*,

Lucknow AIR 1989 SC 149 : 1989 Supp(I) SCC 31 : 1989-I-LLJ-71 and held that the Tribunal was right in affording an opportunity to the first respondent to reform himself and prove to be a disciplined and loyal employee.

3. In the aforestated case, in more or less similar circumstances, this Court declined to interfere with the view taken by the Labour Court that an errant workman should be given an opportunity to reform himself and prove to be a loyal and disciplined employee of Scooters India Ltd. There is, in our view, a vital difference between an undertaking such as Scooters India Ltd. and the bank. A bank deals with public moneys. Misappropriation by an employee of a bank is misappropriation of public moneys and must be treated very differently. Misconduct such as this cannot be treated as lightly as it has been done. We think that the appropriate order should at least have been of reinstatement without back wages plus a direction that the first respondent would not be entitled to any increments for a substantial period with all the cumulative consequences of such an order. That is the order that we propose to pass.

4. The appeal is allowed. The order under appeal is modified so that the respondent is reinstated in the appellant Bank's service but without back wages and without any increments for a period of ten years, with all cumulative consequences. The period of ten years shall run from today.

5. No order as to costs.