
(2012) 05 AHC CK 0059
In the Allahabad High Court
Case No : C.M.W.P. No. 19251 of 2003

Awadhesh Kumar Gupta

APPELLANT

Vs

Board of Directors Allahabad U.P. Gramin Bank and Others

RESPONDENT

Date of Decision : 21-05-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Regional Rural Banks Act, 1976 — Section 10, 11, 14, 14(2), 14(3)

Citation : (2013) 4 AWC 3485

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Advocate : W.H. Khan, Jamal Ali and N.C. Gupta, for the Appellant; S.K. Kakkar, C.S.C., for the Respondent

Final Decision : Allowed

AI Structured Summary

AI-generated summary — verify against the full judgment text before relying on it in practice.

FACTS

The petitioner, Awadhesh Kumar Gupta, was an Officer at the Tulsi Gramin Bank, which became Allahabad U.P. Gramin Bank. He was suspended and later removed from service due to allegations of using abusive language towards the Bank's Chairman during a telephone conversation. After the disciplinary proceedings and removal order, Gupta's appeals to both the disciplinary authority and the Board of Directors were dismissed, leading him to file a writ petition seeking reinstatement and back wages.

LAW POINTS

- Validity of disciplinary proceedings and removal from service.
- Allegations of mala fides against the disciplinary authority.
- Requirement of a fair opportunity during disciplinary proceedings.
- Legal implications of non-examination of key witnesses.
- Doctrine of necessity in administrative decision-making.

ACTS & ARTICLES

Regional Rural Bank Act, 1976

None

JUDGMENTS REFERRED

Ministry of Finance and Another Vs. S.B. Ramesh

Hardwari Lal Vs. State of U.P. and Others

Sahngoo Ram Arya Vs. Chief Secretary, U.P. and Others

Latoori Singh Vs. Chairman, Aligarh Gramin Bank

Bhaskar Parashari Vs. Board of Directors, Aligarh Gramin Bank

State of Bihar and Another Vs. P.P. Sharma, IAS and Another

Dr. J.N. Banavalikar Vs. Municipal Corporation of Delhi

All India State Bank Officers' Federation and Others Vs. Union of India

A.K. Kraipak and Others Vs. Union of India (UOI) and Others

Badrinath Vs. Government of Tamil Nadu and Others

Election Commission of India and another Vs. Dr. Subramanian Swamy and another

Amar Nath Chowdhury Vs. Braithwaite and Company Ltd.

None

OBITER DICTA

The court observed that the principles of natural justice must be balanced with the practicalities of administrative decision-making. It also noted that the disciplinary authority's duty is to maintain order and discipline within the organization.

RATIO DECIDENDI

The court held that the mere fact that the Chairman initiated the disciplinary proceedings does not invalidate the entire process, especially as a different authority ultimately issued the punishment order. Additionally, the court confirmed that the requirement of examination of a key witness is context-dependent and that adequate evidence presented at the hearing can satisfy legal standards.

FINAL RULING

The writ petition was dismissed as the court found that the disciplinary proceedings followed due process and that there was ample evidence to support the charges against Gupta. The lack of examination of the Chairman as a witness did not invalidate the findings, which were supported by other credible evidence.

PLAIN-LANGUAGE GIST

The case revolved around the removal of a bank officer following allegations of misconduct. The court upheld the disciplinary proceedings and the resultant

punishment, emphasizing the validity of the inquiry and evidentiary standards met during the process.