
(2003) 11 AHC CK 0078
In the Allahabad High Court
Case No : C.M.W.P. No. 9768 of 1986

Gyan Chand Gupta

APPELLANT

Vs

Chief General Manager, S.B.I. and Others

RESPONDENT

Date of Decision : 19-11-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 1 AWC 402 : (2004) 2 LLJ 548

Hon'ble Judges : Umeshwar Pandey, J; M. Katju, J

Bench : Division Bench

Advocate : Satya Prakash, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju, J.—Heard learned counsel for the parties.

2. The petitioner is challenging the impugned order dated 16.12.1985 passed by the Chief General Manager/ Disciplinary Action Cell. State Bank of India, New Delhi copy of which is Annexure-5 to the petition. By that order the petitioner has been dismissed from the service of the State Bank of India.

3. The petitioner was Field Officer, Junior Management Grade Scale-I in the service of the State Bank. He was issued charge-sheet dated 16.5.1983 copy of which is Annexure-1 to the petition in which several allegations have been made of embezzlements and other financial irregularities. An enquiry was conducted and the petitioner has been found guilty. The full details have been given in the impugned order dated 16.12.1985 Annexure-5 to the petition. A perusal of the said order shows that full opportunity of hearing was given to the petitioner and after detailed discussion of the evidence and material on record he has been found guilty of several charges relating to financial irregularities. A bank functions on public confidence, and if a dishonest employee is retained, then the public will lose confidence in the bank.

4. In Disciplinary Authority-cum-Regional Manager and Others Vs. Nikunja Bihari

Patnaik, the Supreme Court observed that even if no loss has been caused to the bank, an act beyond one's authority is misconduct. In *Tara Chand Vyas Vs. Chairman and Disciplinary Authority and Others*, a bank employee was punished for giving loans without adequate security. The Supreme Court upheld the punishment. In *State Bank of India and others Vs. T.J. Paul*, the Supreme Court observed that proof of actual loss was not necessary for punishing a bank employee.

5. In *Union Bank of India Vs. Vishwa Mohan*, , the Supreme Court held that in the banking business absolute devotion, diligence and integrity are required of employees otherwise the confidence of the public would be impaired. This view has been followed by this Court in *Ram Pratap Sonkar Vs. Chairman and Managing Director, Allahabad and others*, and *V.K. Bahadur Vs. State Bank of India and another*, .

6. Learned counsel for the petitioner submitted that copy of the enquiry report was not given to the petitioner. In our opinion, this will not vitiate the impugned order unless the petitioner can show that some prejudice was caused to him vide *Managing Director, ECIL, Hyderabad, Vs. Karunakar, etc. etc.*, It all depends on facts and circumstances of each case. In the present case we are of the opinion that no prejudice has been caused to the petitioner. Writ jurisdiction is discretionary jurisdiction and we are not inclined to exercise our discretion under Article 226 of the Constitution in this case.

7. It may be mentioned that a writ will not be issued merely because of violation of law. The petitioner must also show that some prejudice has been caused to him. In this case there was no prejudice. The writ petition is dismissed.