

(2024) 06 OHC CK 0124

In the Orissa High Court

Case No : Writ Petition (C) No. 3898 Of 2019

Hrushikesh Behera

APPELLANT

Vs

Union Bank Of India & Ors

RESPONDENT

Date of Decision : 25-06-2024

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2024) 06 OHC CK 0124

Hon'ble Judges : Dr. S.K. Panigrahi, J

Bench : Single Bench

Advocate : Biswajit Das, Sanjat Das

Final Decision : Dismissed

Judgement

Dr. S.K. Panigrahi, J.

1. In this Writ Petition, the Petitioner has made a prayer to quash the Inquiry Report dated 26.07.2017 of the Opposite Party No.4/ Inquiring Authority (IA), Chief Vigilance Officer (CVO), National Cooperative Consumers' Federation (NCCF), order of dismissal dated 15.03.2018 passed by the Opposite Party No.2/ Managing Director-cum-Disciplinary Authority and the order dated 01.11.2018 passed by the Opposite Party No.3/ General Manager (HR)-cum-Appellate Authority.

I. FACTUAL MATRIX OF THE CASE:

2. Facts culminating in filing of the present Writ Petition are that:

(i) The Petitioner was appointed as Probationing Officer (PO) in the office of the Opposite Party No.1/ Bank, At- Azamgarh, Uttar Pradesh in July, 1982. The Petitioner was later transferred and posted as Field General Manager in the branch of the Opposite Party No.1 at Varanasi, Uttar Pradesh on 13.04.2014. Accordingly, he resumed his official responsibility there.

(ii) While the Petitioner was serving as such, an Advertisement vide letter No.

DP:MPRD:164: 2014 dated 02.04.2014 was floated by the Regional Office of the Opposite Party No.1/ Bank at Varanasi for filling up 21 vacancies of "House-Keeper-cum-Peon". The selection process for the same was to be handled and headed by the then Regional Manager (not the Petitioner) at Varanasi. The Petitioner had nothing to do with the said process of Advertisement and the selection process.

(iii) On completion of the selection process initiated through the Advertisement dated 02.04.2014, all the shortlisted selected applicants were issued appointment letters on 01.08.2014. In between the selection process, upon an internal inquiry and subsequent internal investigation conducted by the Opposite Party No.1/ Bank's Vigilance Department, it was found that some irregularity had been committed on the part of the Selection Committee in the recruitment process. However, no role or involvement of the Petitioner was found there in the whole process of recruitment right from the date of floating of the advertisement to either of the dates of sending of call letters to applicants, interview process and final selection of candidates, directly or indirectly.

(iv) At this juncture, a written complaint dated 16.06.2015 was made by Shri Yogendra Singh, the then Deputy General Manager, Union Bank of India, Regional Office, Varanasi with the allegations of criminal misconduct, cheating against DGM, AGM, RM, Chief Manager, Senior Manager (HR) etc. and making false document in recruitment / selection process of Housekeeper-cum-Peons at the Regional Office, Varanasi. Even in the said complaint, there was no allegation of wrong doing on the part of the Petitioner.

(v) However, on the basis of the aforesaid written complaint dated 16.06.2015, an FIR was lodged on 30.07.2015 at Police Station CBI / ACB, Lucknow at RC No.006/2015/A/0011 against 4 accused named (a) O.P Nigam, the then DGM, (b) Atul Saxena, the then AGM, (c) Debaraja Behera, the then Senior Manager, (HROM) and (d) Ravi Srinivas, the Manager (HR). The Petitioner was not even named in the FIR.

(vi) After a thorough investigation, a shoddy charge sheet was filed by the CBI on 27.12.2017, which was an outcome of improper, incorrect and without appreciating and ascertaining the entire facts and circumstances regarding the recruitment process, naming the Petitioner in the said complaint case as one of the accused.

(vii) Being aggrieved by such charge sheet, the Petitioner had taken appropriate legal measures before the appropriate forum to rectify the CBI's palpable error and the said application is pending consideration before the said forum.

(viii) In the meantime, the Petitioner was transferred to Central Office, Mumbai as General Manager, CRLD & Government Business, who assumed his office on 30.11.2015. While he was working as such at Mumbai, he was served with a departmental show cause notice vide Memorandum No.CO: IRD: 5491: 2015 dated 16.12.2015 by the Disciplinary Authority (consisting of Chairman and

Managing Director), noticing him for alleged acts of omission and commission on his part during his tenure from 13.04.2013 to 13.10.2014 as Field General Manager, FGMO, Varanasi.

(ix) The Petitioner vide his detailed reply dated 29.12.2015 to the show cause notice clearly and unambiguously demonstrated that all the allegations made against him are frivolous, based on just mindless conjectures and surmises, without any substance and, thus, not maintainable.

(x) After receipt of the reply of the Petitioner, he was never communicated by the Disciplinary Authority i.e. the Opposite Party No. 2 about his reply being insufficient or unacceptable. Therefore, the Petitioner assumed that the Opposite Party No.2 being adequately satisfied, the matter had been dropped.

(xi) But, after a gap of 12 months, a Statement of Allegations / Articles of Charges vide Memorandum No.CO: IRD: OS: 105: 2017 dated 05.01.2017 issued by the Opposite Party No.2 was served on him. On going through the same, the Petitioner found that the same is nothing but an identical letter to that of the earlier letter dated 16.12.2015 which was already replied to on 29.12.2015.

(xii) The Petitioner vide his reply dated 21.01.2017 referring to his earlier reply dated 29.12.2015, reiterated his earlier submissions and explained how all the allegations leveled against him were baseless.

(xiii) After lapse of more than one month thereafter, Memorandum No.CO: ERD :859: 2017 dated 23.02.2017 referring to the Article of Charge No.CO:IRD:OS:105:2017 dated 05.01.2017 was issued to the Petitioner stating that (a) even though he would retire on 28.02.2017 while attaining the age of superannuation, the disciplinary action initiated against him is not likely to be concluded / completed till the date of retirement, (b) as per Regulation 20(iii) of the Union Bank of India (Officer's) Service Regulation, 1979, he will be ceased to be in service from the date of the service until proceedings are concluded and final order is passed, (c) he will not receive any pay or allowances after the date of superannuation and (d) he will also not be entitled for payment of retirement benefits till the disciplinary proceedings are completed and final order is passed thereon.

(xiv) While the matter stood thus, the Petitioner was informed vide Memorandum CO: ERD: 882: 2017 dated 27.02.2017 that in order to crystallize the facts of the case, a Departmental Inquiry would be conducted against him in terms of Article of Charge No.CO IRD: OS: 105 : 2017 dated 05.01.2017/ 10.01.2017. He was also informed that the inquiry will be held by Smt. Seema Sharma, Chief Vigilance Officer (CVO), National Co-operative Consumers' Federation of India Limited (NCCF), New Delhi i.e. Opposite Party No. 4 and the date, time and place of the inquiry will be intimated to him in due course by the Inquiring Authority.

(xv) Smt. Seema Sharma was appointed as Inquiring Authority (IA) to inquire into the allegations / charges framed against the Petitioner and she was

intimated that Smt. Usha Rajagopalan, Chief Manager, Inquiry Cell, FGMO, Mumbai, has been appointed as the Presenting Officer (PO) and authorised to represent the Management's case at the inquiry vide Letter No.CO: ERD : 883 :2017 dated 27.02.2017.

(xvi) On the very same day, Smt. Usha Rajagopalan was appointed as Presenting Officer (PO) and authorised to represent the Management's case in the inquiry and she was also intimated that Smt. Seema Sharma is being appointed as the Inquiry Authority for inquiry.

(xvii) After completion of evidence from the prosecution side, the Petitioner produced his evidence in defense. Thereafter, the inquiry proceedings was concluded with a direction to the Presenting Officer to submit written brief in support of the prosecution case within 10 days and the Petitioner to submit his Defence brief/ argument within 10 days from the date of receipt of prosecution brief. Accordingly, the Petitioner submitted a 37 paged Defence brief before the Inquiring Authority on 08.06.2017 in which he categorically and holistically explained his stand and elucidated the negation of all 8 allegations leveled against him with the help of requisite information.

(xviii) After submission of such written arguments/ defence brief, the Inquiring Authority submitted its Inquiry Report to the Opp. Party No.2 which was received on 26.07.2017 wherein the Inquiring Authority mechanically concluded that Allegation Nos.1, 3, 5 and 7 are proved partially, Allegations Nos.2 and 6 are proved, Allegation No.4 has no merit and not proved and Allegation No.8 was not discussed during the inquiry. At the same time, the Inquiring Authority stated that out of 5 charges of 'misconduct' framed against the Petitioner/ Charge 1 was partially proved and charges 2 to 5 are proved under Rules 3(1), 15(iv) and 20 of the Union Bank of India Officer Employees' (Conduct) Regulations, 1976 respectively.

(xix) While the Petitioner was waiting for a positive outcome and relief from the Opp. Party No.2 after making all his bona fide, honest and truthful submissions through timely representations before all relevant and appropriate authorities with regard to this malicious attempt to tarnish his image and deprive him of his rightful retirement benefits on unfounded and unsubstantiated allegations, he was served with the impugned dismissal order vide Memorandum No.CO:ERD:DA:965:

2018 dated 15.03.2018 on the terms that:

"Major Penalty of 'Dismissal from service of the Bank' as specified in Regulation 4(j) of Union Bank of India Officer Employees' (Discipline & Appeal) Regulation, 1976 be and is hereby imposed on Shri H.K. Behra."

(xx) Being aggrieved, the Petitioner preferred an Appeal before the Appellate Authority i.e. the Opp. Party No.3 vide his letter dated 11.05.2018 through which he puts forth all relevant documents and information for their perusal, requested

them to act upon the appeal in a fair, impartial and objective manner, discharge their duties fairly and justly purely in accordance with law after affording him an opportunity of hearing.

(xxi) However, the Opp. Party No.3 issued one pager cryptic order rejecting the appeal summarily without assigning any reason whatsoever as well as affording any opportunity of hearing to the Petitioner vide its Letter No.CO:ERD:3738:2018 dated 01.11.2018.

(xxii) Therefore, the Petitioner, in this Writ Petition, has challenged the impugned Inquiry Report dated 26.07.2017, dismissal order dated 15.03.2018, and the appellate order dated 01.11.2018 seeking a direction from this Court to the Opposite Parties to release all the retiral benefits such as gratuity, leave encashment, pension, commutation pension etc. along with interest @ 18% for the delay period of payment along with all necessary cost and damage.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. Learned counsel for the Petitioner earnestly made the following submissions in support of his contentions.

(i) No material or evidence much less incriminating or otherwise evidencing any wrongful demeanour on the part of the Petitioner was ever found as yet by any agency or authority including the CBI despite thorough investigation was undertaken by them.

(ii) The letter dated 05.01.2017 was timed exactly to sabotage the Petitioner's retirement benefits as the due date of his retirement was 28.02.2017 and initiation of an inquiry after sitting purposefully over the same for more than 12 months waiting for the retirement date to come close is nothing but an act of vengeance and personal vendetta.

(iii) Further, the Opp. Party No.2 has purposefully not mentioned about the letter dated 16.12.2015, which triggered the inquiry, and was hurriedly undertook the entire action at a lightning speed that too at a time perilously close to the Petitioner's date of superannuation to sabotage his career and retirement benefits, when he was passing through the transition moment in his career and life. The above progress shows that such progress could have most certainly made in the case subsequent to the original statement of allegations made on 16.12.2015 which kept hanging till 05/10.01.2017 when the Petitioner was about to retire and needed to avail his retirement benefits in due normal course and would have contested the case without inconvenience caused post his retirement.

(xxiii) The Petitioner retired on 28.02.2017 as General Manager, CRLD and Government Business at Central Office, Mumbai, on attaining the age of superannuation and ceased to be an employee of the Bank.

(xxiv) Post superannuation of the Petitioner, a total of 5 hearings were conducted between 28.04.2017 and 20.05.2017 by inquiring Authority/ Opp. Party No.4. In

all of such hearings, one Mr. Umesh Kumar Sobti was present as Assisting Officer (AO), representing from the side of the Petitioner as a Charged Officer (CO).

(xxv) On the date of the 1st preliminary hearing on 28.04.2017, the Opp. Party No.4 after duly addressing to all the parties and holding preliminary proceedings, adjourned the proceedings to next date i.e. 15.05.2017 with certain order for compliance.

(xxvi) From the minutes of the 2nd preliminary hearing held on 15.05.2017, it would appear that the Presenting Officer had not co-operated with the Charged Officer in providing the requested documents from Serial Nos.1 to 9 which were available with the bank and were a crucial part of the Defence documents. The Presenting Officer had stated in row 15 of the table that "I received their list of documents containing 16 items out of which the first 9 were asked to be provided by the bank. As these documents were not called for by the bank/ they do not form part of bank's documents and hence cannot be provided as bank's document".

(xxvii) In the Row No.16, it would appear that Petitioner had requested the Inquiring Authority that the Documents Nos.1 to 8 are very crucial for the Defence. He requested the Inquiring Authority that he may be given time to produce the original as Defence documents. These documents are affidavits. Defence requested that fresh affidavits with different dates may be allowed by Inquiring Authority.

(xxviii) In the Row No.17, it would appear from the statement of the Inquiring Authority that time was allowed to Charged Officer to produce original affidavits. Accordingly, the next date of hearing was fixed to 18.05.2017.

(xxix) However, it is evident from the statement of the Presenting Officer for the Opp. Party/ Bank that the Disciplinary Authority along with the Presenting Officer were completely non-cooperative to the Charged Officer during the inquiry and had tried to create obstruction to make the Defence fail in presenting his case in time. This is a clear case of criminal conspiracy on the part of the Opp. Party/ Bank and misuse of official position to influence the course of inquiry to victimize an officer employee of weaker section of society during the most vulnerable period of post retirement life. The Defence was given 2 days time to coordinate and arrange original affidavits from far away locations in different State in the middle of the hearing process.

(xxx) In the Memorandum No.CO: ERD :859: 2017 dated 23.02.2017 the Opposite Party No.2 has selectively referred to the Article of Charge dated 05.01.2017 and has purposefully omitted to mention reference letter dated 16.12.2015 in order to show that the charges are as fresh as 05.01.2017 to justify its action while suppressing the criminal negligence on its part for the delay of 12 months committed in the case to start any action on the charges. The Opp. Party No.2 has, thus, failed to act in an unbiased and fair manner and has acted in contravention of the duties and responsibilities entrusted upon him

by the Board of Directors of the Bank. It is increasingly evident that the Opp. Party No. 2 had a scheme of personal vendetta in place to sabotage the career of the Petitioner including his retirement benefits and has influenced from a position of power the course and sequence of the disciplinary proceedings and inquiry. The Opp. Party No.2 has, thus, failed to act in an independent and impartial manner inasmuch as, as per Para No.18 of CVC guidelines contained in the special chapter on Vigilance Management in PSBS, a charge sheet is required to be issued within 2 months from the date of the receipt of investigation report. A delay of 12 months is, therefore, deliberate and directed at causing harassment to the Petitioner at the time of his retirement. It is further submitted that even though the encashment of privilege leave to the credit of the Petitioner is not a component of terminal retiral benefit, the Opp. Party No. 2 did not pay even leave encashment amount.

(xxxix) There has been grave violation of principles of natural justice at each level of proceedings inasmuch as no opportunity of hearing was afforded to him by any authority and forum below.

(xxxix) The Petitioner was not given any opportunity to challenge the Inquiry Report in gross violation of the established rule of law and the provisions of Rules and Regulation.

(xxxix) The impugned orders and Report suffer from abjectly illegality and non-application of mind and without any substantiated reasoning indicating that the fate of the inquiry was pre-decided and formulated under a vile in overall scheme to frame the Petitioner and deprive of his rightful post retiral benefits.

(xxxix) None of the alleged acts of commission and omission on the part of the Petitioner were either in violation, contravention or deviation of any service rules, service conditions, Bank instructions, guidelines, notifications or any of the specific statute pertaining thereto accentuating the fact that the allegations made against the Petitioner remain unfounded and unexplained.

III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTIES/ BANK:

4. In reply, learned counsel for the Opposite Parties/ Bank earnestly made the following submissions in support of his contentions:

(i) The Petitioner while working as FGMO, Varanasi an Advertisement was floated for recruitment of House Keeper-cum-Peon for Regional Offices of Varanasi and Jaunpur of Union Bank in the State of Uttar Pradesh from 13.04.2013 to 13.10.2014. During the selection process the accounts have been maintained by the family members of the Petitioner. On scrutiny, it reveals that huge amounts to the tune of Rs.30,29,500/-had been deposited in their accounts through intersol transaction at Branches coming under the jurisdiction of FGMO, Varanasi, where he was working as FGMO. All these financial transaction were cash and during the ongoing process of selection for recruitment of House Keeper-cum-Peon took place at regional offices under FGMO, Varanasi.

(ii) In course of internal audit conducted by the Vigilance Department, it was found that irregularities have been committed by the Petitioner. On the basis of the aforesaid report, a complaint was lodged before the concerned Police Station which was registered as F.I.R vide R.C. No.006/2015/A/0011. The aforesaid matter being investigated by the C.B.I, on inquiry and detailed investigation, the Petitioner alongwith four others were shown as accused person.

(iii) Thereafter, the Petitioner was transferred to Head Office at Mumbai in the month of November, 2015 and on the basis of audit report conducted by the Vigilance Department. The Bank contemplated a disciplinary proceeding. As the reply of the Petitioner was not satisfactory, the Bank decided to proceed against the Petitioner departmentally by appointing an Inquiring Officer.

(iv) The I.O. during course of inquiry has followed the procedures as contemplated in Regulation, 1979 of the Bank. In every stage, the I.O. has given him opportunities to defend his case, which he availed and never objected at any point of time.

(v) Per contra, in order to substantiate their case the Bank filed all the documents and also led evidence. The Petitioner examined the witnesses and confronted with documents but could not demolish the charges made against him. On completion of the proceedings, the I.O. had submitted his findings to the Disciplinary Authority to take appropriate action as per the Conduct Discipline and Appeal Rules (C.D.A Rules) of the Bank. The Disciplinary Authority while agreeing with the findings of the I.O. has passed the order of punishment i.e. dismissal from service. Being aggrieved, the Petitioner preferred appeal before the Appellate Authority. The Appellate Authority also affording reasonable opportunity of hearing to the Petitioner has dismissed the appeal confirming the order of punishment imposed by the Disciplinary Authority. While confirming the order of punishment the Appellate Authority also considered the documents exhibited and evidence led in this regard.

(vi) The Inquiring Officer while submitting his findings had gone in detail i.e. analyzing and scrutinizing all the documents filed by both parties confronted the same by affording opportunity. The documents as well as P.W.1 and P.W.2 clearly and unequivocally proved the allegations made against the Petitioner. Though opportunity was provided to the Petitioner but he did not demolish the same. All the charges leveled against the Petitioner were proved. The charges were serious and constitute gross misconduct.

(vii) The Disciplinary Authority while agreeing with the said finding of the I.O. also afforded opportunity of hearing to the Petitioner but the Petitioner could not improve his case. Accordingly, the Disciplinary Authority, upon perusal of the documents already exhibited and the evidence led passed the order of dismissal as provided in 1979 Regulation of the Bank. The Appellate Authority while confirming the order of punishment also followed the procedure. Thus, the contention of the Petitioner in this regard is misconceived having no substance.

(viii) It is submitted that in the matter of disciplinary proceedings, the interference of the Courts is very limited. The High Court exercising judicial review and the same will be subject to test of proportionality.

(ix) In the case of Om Kumar and Ors. –vrs. Union of India 2001) 2 SCC 386, the Apex Court held as follows:-

“the question of punishment in disciplinary matters is primarily for the disciplinary authority and the jurisdiction of the High Courts under Article 226 of the Constitution or of the Administrative Tribunal is limited and is confined to the applicability of one or other of the well -known principle known as Wednesbury principles.”

(x) In B.C. Chaturvedi –vrs. Union of India and Ors. (1995) 6 SCC 749, the Apex Court observed and held:

“18. A review of the above legal position would establish that the disciplinary authority, and on appeal, the appellate authority being fact finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct....”

(xi) When the nature of misconduct which has been committed by the Petitioner stands proved, it is open for the Disciplinary Authority to consider the same and impose appropriate punishment with penalty of dismissal. Therefore, the Disciplinary Authority is absolutely justified in imposing the major penalty of dismissal.

(xii) In a recent reportable judgment i.e. in Anil Kumar Upadhyay –vrs.- The Director General, SSB and Others Decided on 19th April, 2022 in Civil Appeal No.2707 of 2022, the Apex Court relying on the earlier decisions has held that “in a disciplinary proceeding where punishment imposed by the disciplinary authority shall not be interfered with by the Courts”.

(xiii) Hence, the punishment of dismissal imposed against the Petitioner by the disciplinary authority is based upon the documents and evidence which was proved in the inquiry. Therefore, the same is legal and justified in accordance with 1979 Bank Regulation and cannot be interfered with as laid down by the Apex Court as stated supra.

(xiv) In such view of the facts and circumstances, he contended that the Writ Petition has no merit and is liable to be dismissed.

IV. COURT’S REASONING AND ANALYSIS:

5. Perused the materials available on records and considered the rival submissions made by the learned counsel for the Petitioner and the learned counsel for the Opposite Parties/ Bank.

6. As it appears, the Petitioner’s assertion in the Writ Petition is that on

completion of selection process initiated through the Advertisement dated 02.04.2014, all the shortlisted selected applicants were issued the appointment letters on 01.08.2014. In between, the selection process, upon an internal inquiry and subsequent internal investigation conducted by the Opposite Party No.1/ Bank's Vigilance Department/ it was found that some irregularity had been committed on the part of the Selection Committee in the recruitment process. However, no role or involvement of the Petitioner was found there in the whole process of recruitment right from the date of floating of the advertisement to either of the dates of sending of call letters to applicants, interview process and final selection of candidates, directly or indirectly.

7. At this juncture, a written complaint dated 16.06.2015 was made by Shri Yogendra Singh, the then Deputy General Manager, Union Bank of India, Regional Office, Varanasi with the allegations of criminal misconduct, cheating against DGM, AGM, RM, Chief Manager, Senior Manager (HR) etc. and making false document in recruitment / selection process of Housekeeper-cum-Peons at the Regional Office, Varanasi. Even in the said complaint, there was no allegation of wrong doing on the part of the Petitioner.

8. However, on the basis of the aforesaid written complaint dated 16.06.2015, an FIR was lodged on 30.07.2015 at Police Station CBI / ACB, Lucknow at RC No.006/2015/A/0011 against 4 accused named (a) O.P Nigam, the then DGM, (b) Atul Saxena, the then AGM, (c) Debaraja Behera, the then Senior Manager, (HROM) and (d) Ravi Srinivas, the Manager (HR). The Petitioner was not even named in the FIR.

9. After a thorough investigation, a shoddy charge sheet was filed by the CBI on 27.12.2017, which was an outcome of improper, incorrect and without appreciating and ascertaining the entire facts and circumstances regarding the recruitment process, named the Petitioner in the said complaint case as one of the accused. Thereafter, the subsequent actions have been taken against the Petitioner.

10. Upon hearing the submissions made by the learned counsel for the parties and upon perusal of materials available on record, it is found that during course of hearing, the Petitioner examined the witnesses and confronted with documents but could not demolish the charges made against him. On completion of the proceeding, the I.O. had submitted his findings to the Disciplinary Authority to take appropriate action as per the Conduct Discipline and Appeal Rules (C.D.A Rules) of the Bank. The Disciplinary Authority while agreeing with the findings of the I.O. has passed the order of punishment i.e. dismissal from service. Thereafter, the Appellate Authority also affording reasonable opportunity of hearing to the Petitioner has dismissed the appeal confirming the order of punishment imposed by the Disciplinary Authority. While confirming the order of punishment the Appellate Authority also considered the documents exhibited and evidence led in this regard.

11. Further, the Inquiring Officer while submitting his findings has gone in detail i.e. analyzing and scrutinizing all the documents filed by both parties and confronted the same by affording opportunity. The documents as well as P.W.1 and P.W.2 clearly and unequivocally proved the allegations made against the Petitioner. Though opportunity was provided to the Petitioner but he could not demolish the same. All the charges leveled against the Petitioner were proved. The charges were serious and constitute gross misconduct.

12. It was contended by the learned counsel for the Petitioner that no material or evidence much less incriminating or otherwise evidencing any wrongful demeanour on the part of the Petitioner was ever found as yet by any agency or authority including the CBI despite thorough investigation was undertaken by them. It was further contended that none of the alleged acts of commission and omission on the part of the Petitioner were either in violation, contravention or deviation of any service rules, service conditions, Bank instructions, guidelines, notifications or any of the specific statute pertaining thereto accentuating the fact that the allegations made against the Petitioner remain unfounded and unexplained.

13. In reply, it was contended by the learned counsel for the Opposite Parties that the Inquiring Officer while submitting his findings has gone in detail i.e. analyzing and scrutinizing all the documents filed by both parties confronted the same by affording opportunity. The documents as well as P.W.1 and P.W.2 clearly and unequivocally proved the allegations made against the Petitioner. Though opportunity was provided to the Petitioner but he could not demolish the same. All the charges leveled against the Petitioner were proved. The charges were serious and constitute gross misconduct. Further, The Disciplinary Authority while agreeing with the said finding of the I.O. also afforded opportunity of hearing to the Petitioner but the Petitioner could not improve his case. Accordingly, the Disciplinary Authority upon perusal of the documents already exhibited and the evidence led passed the order of dismissal.

14. In this case, based on the evidence on record, the I.O. had concluded his findings and submitted the same to the Disciplinary Authority to take appropriate action as per the Conduct Discipline and Appeal Rules (C.D.A Rules) of the Bank. The Disciplinary Authority being satisfied that the Departmental Inquiry was conducted as per procedure by duly extending all reasonable opportunities to the petitioner had agreed with the findings of the I.O. and passed the order of punishment i.e. dismissal from service. Thereafter, the Appellate Authority being not found any merit in the appeal preferred by the Petitioner dismissed the same.

15. Hence, the punishment of dismissal imposed against the Petitioner by the disciplinary authority is based on the documents and evidence which was proved in the inquiry.

16. In such circumstances, this Court accedes to the contentions of the learned counsel for the Opposite Parties/ Bank that in the matter of disciplinary

proceeding, the interference of the Courts is very limited. The High Court exercising judicial review and the same will be subject to test of proportionality. The judgments of the Apex Court as referred by the learned counsel for the Opposite Parties/Bank supra are clearly applicable in the present case.

17. This Court does not find any infirmity in the impugned orders. Therefore, the present Writ Petition is devoid of merit and liable to be dismissed.

18. Accordingly, this Writ Petition is dismissed. No order as to costs.

19. Interim order, if any, passed earlier stands vacated.

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