
(2001) 01 KAR CK 0091
In the Karnataka High Court
Case No : Writ Petition No. 2549 of 1999

K.G. Shenoy

APPELLANT

Vs

Union Bank of India and Another

RESPONDENT

Date of Decision : 11-01-2001

Acts Referred:

Union Bank of India Officer Employees (Discipline and Appeal) Regulations, 1976 — Regulation 17

Citation : (2001) 2 KCCR 1036

Hon'ble Judges : Mohamed Anwar, J

Bench : Single Bench

Advocate : P.S. Rajagopal and Nagendra Naik, for the Appellant; S.N. Murthy and Somasekhar for Respondents 1 and 2, for the Respondent

Final Decision : Allowed

Judgement

Mohamed Anwar, J.—Heard learned Counsel for both sides.

2. The Petitioner, who is an official of Respondent No. 1-Bank, has prayed to quash the order No. CO;IRD;8540;96, dated 28th December, 1996 under Annexure-Q and the order bearing No. CO;IRD;1917 of 1997, dated 14.3.1997 vide Annexure-T. Annexure-Q is the order dated 28th December, 1996 of the Disciplinary Authority passed against Petitioner pursuant to enquiry against him on the charges of mis-conduct, accepting the findings of guilt recorded by the Enquiry Officer and imposing on the Petitioner the major penalty of reduction by 3 stages in time scale of pay. Annexure-T dated 14th March, 1997 is the order of the Appellate Authority passed in the Petitioner's appeal preferred before him challenging the Disciplinary Authority's order at Annexure-Q dated 28th December, 1996. The whole of this order of Appellate Authority at Annexure-T passed disposing of the Petitioner's appeal is relevant for the purpose of effective disposal of this petition. Therefore, it is reproduced below:

CO:IRD:1917 of 1997 14th March, 1997 24 Phalguna, 1918

Order of the Appellate Authority in the matter of appeal dated 22.1.1997 preferred by Shri K.G. Shenoy, Deputy Manager, Stationery Cell, Bangalore, against the order of the Disciplinary A Authority No. CO:IRD:8540 of 1996, dated 28.12.1996.

This has reference to the appeal dated 22.1.1997 preferred by Shri K.G. Shenoy, Deputy Manager, Stationery Cell, Bangalore, against the penalty of reduction by three stages in the time scale of pay imposed on him by the Disciplinary Authority vide order No. CO:IRD:8540 of 1996, dated 28.12.1996.

I have gone through the proceedings of the inquiry, Articles of Charge dated 16.7.1993, findings of the Inquiring Authority, order passed by the Disciplinary Authority, submissions made by the appellant and all other connected papers in the matter. I have also gone through the various grounds raised by the appellant in his appeal dated 22.1.1997. I observe that no malafides are proved, advances are substantially secured, some of the irregularities have been subsequently ratified, his honesty and integrity is not doubtful and his past record is also satisfactory. I am inclined to take a lenient view in the matter and reduce the major penalty of reduction by three stages in the time scale of pay to that of reduction by one stage in the time scale of pay.

Accordingly, in exercise of the powers vested in me in terms of Regulation 17 of Union Bank of India Officer Employees" (Discipline and Appeal) Regulations, 1976, I hereby pass the following order:

ORDER

The major penalty of reduction by three stages in the time scale of pay imposed on Shri K.G. Shenoy by the Disciplinary Authority is hereby substituted by penalty of reduction by one stage in time scale of pay.

Shri K.G. Shenoy is required to note that the aforesaid penalty will be effective from the date of this order.

Sd/- APPELLATE AUTHORITY DEPUTY GENERAL MANAGER (P)

3. The above impugned order of the Appellate Authority, vide Annexure-T, is a self speaking and self revealing order, which makes it abundantly clear that the affirmative findings of guilt recorded by the Disciplinary Authority on various charges of mis-conduct against Petitioner were found wholly baseless and that the past service record of the Petitioner disclosed that he had been an official of undoubted honesty and integrity and his service under Respondent No. 1-Bank was quite satisfactory. In other words, the Appellate Authority under its order vide Annexure-T fully exonerated the Petitioner of all the charges that were levelled against him and found proved by the Disciplinary Authority. The said order of Appellate Authority vide Annexure-T has not been challenged by Respondent No. 1- Disciplinary Authority. Therefore, that order at Annexure-T has become binding on it. Once the Petitioner is held not guilty of any charges levelled against him, vide Annexure-T, there cannot be any justification whatever

much less legal justification to impose any penalty whether major or minor, on the Petitioner. Therefore, the impugned order of Appellate Authority under Annexure-T, passed imposing the penalty of reduction by one stage in Petitioner's time scale of pay, by reducing the same from 3 stages as was inflicted by the Disciplinary Authority, is unsustainable in law. Therefore, petition deserves to be allowed as prayed.

4. Hence, for the reasons aforesaid, the petition is allowed. The impugned orders at Annexure-Q dated 28th December, 1996 and at Annexure-T dated 14th March, 1997 of the Respondent-authorities are hereby quashed.