
(2000) 07 P&H CK 0157

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 15214 of 1999

Manohar Lal Sikri

APPELLANT

Vs

The Punjab National Bank

RESPONDENT

Date of Decision : 19-07-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2000) 07 P&H CK 0157

Hon'ble Judges : R.S. Mongi, J;K.C. Gupta, J

Bench : Division Bench

Advocate : Mr. R.K. Malik, for the Appellant; Mr. Amarjit Singh, for the Respondent

Judgement

K.C. Gupta, J.—Shri Manohar Lal Sikri, who was posted as Special Assistant, Branch Office Nahar, was served with a charge-sheet dated 27.6.1994 for committing gross negligence while working as such at Branch Office Badli, which facilitated in commissioning of fraud in P.p. (O) Account No. 7 i 2 to the tune of Rs. 39,000/-. His reply to the charge-sheet was not found satisfactory—Accordingly, a departmental enquiry was instituted on 24.8.1995, which was conducted by Sh. A.K. Sharma, the then Senior Manager, Branch Office Bahadurgarh. He submitted his report dated SO. 11.1997 wherein he held the petitioner guilty of committing gross negligence, as alleged in the charge sheet.

2. The Disciplinary Authority (Senior Regional Manager) concurred with the findings of the Enquiry Officer and after hearing him dismissed him from bank service with immediate effect vide order dated 11.5.1998 (AnnexureP-11).

3. Against the said order of Disciplinary Authority, the petitioner preferred an appeal to the Zonal Manager, Punjab Rational Bank, Northern Zone, Chandigarh, vide Annexure P-12 dated 9.6.1994, who, vide order dated 14.8.1999 (AnnexureP-13), dismissed the appeal.

4. Aggrieved by the said orders, the petitioner filed Civil Writ Petition No. 15214

of 1999 in the nature of certiorari to quash the order dated 11.5.1998 passed by respondent No. 3 and order dated 14.8.1999 passed by respondent No. 2 and prayed that he be reinstated with all consequential benefits. In Para 2 of the order dated 14.8.1999, Annexure P-13, it has been observed as under :-

" Under the provisions of Bipartite Settlements, Sh. Sikri was given personal hearing by the then Appellate Authority (since retired) on 16.10.98 in this office in which he appeared alongwith his authorised representative. During the personal hearing he raised additional points before him while reiterating the above points."

5. Learned counsel for the petitioner, inter-alia, contended that the impugned order, Annexure P-14, deserved to be set aside on the sole ground that whereas opportunity of hearing was granted by one person/authority, the decision was given by the other person/authority. This was violation of natural justice as well as Para No. 19.14 of Bipartite Settlements between the bank and their workmen. The said para reads as under :-

" Such appellate authority shall, if the employee concerned is so desirous, in a case of dismissal, hear him or his representatives before disposing of the appeal. In cases where hearings are not required, and appeal shall be disposed of within two months from the date of receipt thereof. In cases where hearings are required to be given and are requested for. such hearing shall commence within one month from the date of receipt of the appeal and shall be disposed of within one month from the date of conclusion of such hearings."

6. Therefore, according to this para, it was mandatory for Sh. R.K. Rehani, Deputy General Manager (Appellate Authority) to hear him personally before passing the order of dismissal vide Annexure P-13 and he should not have relied upon the personal hearing given by his predecessor (who has since then retired). In a similar case, the High Court in Civil Writ Petition No. 3226 of 1996, vide order dated November 22, 1996, held that there was non-compliance of principles of natural justice. Since, in the present case, there is non-compliance of principles of natural justice and violation of Para No. 19.14 of Bipartite Settlements, consequential order dated 14.8.1999, Annexure P-13 of the Appellate Authority, is quashed, the matter is remitted to the Deputy General Manager (Appellate Authority) of Punjab National Bank, Zonal Officer, Chandigarh, who himself shall hear the petitioner personally alongwith his counsel (if any) before deciding the appeal and thereafter pass a well-reasoned and speaking order. Let the final order be passed within two months of the receipt of the copy of the order from this Court or a copy thereof from the counsel for the respondents, whichever is earlier.

7. The writ petition stands disposed of accordingly.

8. Copy of this order, attested by the Special Secretary of this Court, be given to the counsel for the respondents.

9. Order accordingly