
(2013) 10 DEL CK 0181

In the Delhi High Court

Case No : Writ Petition (C) No. 3509 of 1999

Mr. Bharat Bhushan Goel

APPELLANT

Vs

Punjab National Bank and Others

RESPONDENT

Date of Decision : 11-10-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 10 DEL CK 0181

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Arun Kr. Aggarwal, for the Appellant; Jagat Arora, for the Respondent

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.—By this writ petition, the petitioner impugns the orders passed by the departmental authority dated 12.9.1996 whereby the petitioner was imposed a punishment of removal from services. This order was upheld by the appellate authority in its order dated 31.12.1997. The admitted position is that petitioner did not lead any evidence in the enquiry proceedings whereas the management led evidence and proved the case as per the charge-sheet. The issue therefore only is as to whether petitioner had appropriate notice to appear in the departmental proceedings. In the present case, the first seven full scape pages in single lines spacing of the enquiry officer's report show that at least around 20 dates were fixed for which intimation was given to the petitioner to appear. Petitioner was regularly proceeded ex parte in spite of not appearing. In spite of having been proceeded ex parte, enquiry officer took the pain of regularly sending copies of the proceedings to the petitioner. Petitioner kept on giving lame excuses of illness and which were not substantiated on most occasions. Management completed evidence of its witnesses and thereafter the enquiry officer gave his report holding the petitioner guilty. It may be noted that enquiry was simultaneously conducted against the petitioner and co-charged officer one Mr. B.L. Thapa. I am not reproducing the extensive recordings given

in the first seven pages of the enquiry report but on having read them I find that thorough effort was made by the enquiry officer to give the petitioner over at least a dozen, if not more, opportunities to participate in the proceedings, cross examine the witnesses of the management and lead his evidence but the petitioner failed to do so.

2. Once therefore the enquiry officer gave adequate opportunities to the petitioner, who failed to appear and lead his evidence and the management proved its case by leading evidence which included depositions of witnesses and documents, there is no scope whatsoever in a petition under Article 226 of the Constitution of India to set aside the enquiry officer's report and the orders of the departmental authorities passed thereupon.

3. I may note that there were serious charges against the petitioner and Sh. B.L. Thapa. Allegations were that in a few dozen transactions, illegal loans were given, collusion was there with the sellers and bribes were taken. Entire charge-sheet makes a telling reading of the lack of honesty on the part of the petitioner, and which has been thoroughly proved in the departmental proceedings.

4. The scope of hearing in a petition under Article 226 for challenging the orders of the departmental authorities is limited. Orders of departmental authorities can only be challenged if there is perversity in the findings. If the management proves its case by depositions of its witnesses and by filing of documents, and the petitioner does not even care to lead evidence on his behalf or appear in the witness box and have conviction to be cross examined, there is no reason why the extraordinary jurisdiction of this Court for acting under Article 226 be invoked in favour of a person such as the petitioner. In view of the above, there is no merit in the petition, which is accordingly dismissed, leaving the parties to bear their own costs.