
(1992) 01 SC CK 0092

In the Supreme Court Of India

Case No : Civil Appeal No. 1558 Of 1988

Ram Kishan Bairwa

APPELLANT

Vs

Bundi Chittorgarh Kshetriya Gramin Bank and Another

RESPONDENT

Date of Decision : 23-01-1992

Acts Referred:

Citation : (1993) 1 LLJ 986 : (1992) 3 SCC 53 Supp

Hon'ble Judges : Yogeshwar Dayal, J; M. M. Punchhi, J

Bench : Division Bench

Final Decision : dismissed

Judgement

M.M. Punchhi, J.—The appellant, on May 3, 1985, was appointed as an officer in a rural bank constituted under a Central Act i.e. Regional Rural Bank Act, 1976. He was put on probation for a period of two years, which was extendable for another year, under the service regulations relating to that bank. Within the initial period of two years occasion arose for the higher authorities to keep him cautioned and warned of the defects and wrongs which came to be discovered during the period of his functioning. The earliest in point of time was in February 1986. The defects multiplied thereafter and it appears the appellant was constantly on the receiving end from the authorities. Finally on October 7, 1986 the appellant received a nine-point defalcation letter asking him to explain his conduct within three days of the receipt of the letter. Undisputably the letter was received by the appellant on October 7, 1986 itself. On October 9, 1986 the appellant responded and gave his explanation. The appointing authority taking aid of conditions of the appointment letter and being aware of the right reserved by the bank under Regulation 8(3) and (4) of the Bundi Chittorgarh Kshetriya Gramin Bank (Staff) Service Regulation, 1985, served on the appellant a simple order of discharge with one month's pay in lieu of one month notice. The appellant terming that order to be punitive in the set of facts above mentioned, approached the High Court of Rajasthan for redress unsuccessfully. Having failed to convince the Division Bench of that court that the precedent notice seeking

explanation was foundation of the order of discharge or the effort in totality was to punish the appellant without a regular enquiry. On his failure to get relief from the High Court he is before us by special leave.

2. We have heard learned Counsel on both sides. We have thoroughly gone through the judgment under appeal and the reasoning in support thereof. What weighed with the High Court was that prior to the issuance of the notice dated October 7, 1986 there was a course of conduct reflective from the correspondence between the bank and the appellant suggesting that the appellant was not coming up to the expectations of the bank in the performance of his duties. That is the reason why he was time and again cautioned and warned. It was then expected of the appellant to have been more vigilant in the performance of his duties. It has to be borne in mind that the post of the appellant was that of trust. He was entrusted with a fair amount of discretion towards disbursement of loans and money handling. This function of the appellant brooked no laxity and had to remain in a fiscal discipline; more so when he was manning a branch independently. His attention was invited to transactions suggestive of loss to the bank. One such instance was that he signed a voucher relating to a transaction, which was not reflected in the ledger. On this basis the appointing authority could arrive at a stage to stop probating the applicant any further, and entertain the view that the appellant was not fit for confirmation in the post even though such view of unfairness was not expressed in so many words. Rather the order of discharge mentions that in terms of the letter of appointment, without assigning any reason, the appellant stands discharged. We have to see the substance of the matter and not the bare words. We are, on these circumstances, satisfied that there was no vindictiveness involving the discharge of the appellant. The authorities of the bank took the action as a protective measure to keep their services trim and in good shape.

3. For the reasons stated above we dismiss this appeal but with no order as to costs.