
(2003) 12 AHC CK 0053
In the Allahabad High Court
Case No : C.M.W.P. No. 16747 of 1994

Ram Prasad Gupta

APPELLANT

Vs

Allahabad Bank and Another

RESPONDENT

Date of Decision : 02-12-2003

Acts Referred:

Citation : (2004) 1 AWC 697 : (2004) 2 LLJ 531 : (2004) 1 UPLBEC 611

Hon'ble Judges : Umeshwar Pandey, J; M. Katju, J

Bench : Division Bench

Advocate : R.P. Misra, Rajeev Misra, D.B. Mukherji and Siddharth Shukla, for the Appellant; S.B. Singh, for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and Umeshwar Pandey, JJ.—Heard learned counsel for the petitioner.

2. This writ petition has been filed against the impugned orders dated 16.5.1992 vide Annexure-5, 30.11.1992 vide Annexure-7, 19.10.1992 vide Annexure-15 and 10.7.1993 vide Annexure-18 to the writ petition.

3. We have heard learned counsel for the petitioner and find no merit in this petition.

4. A perusal of the order dated 16.5.1992 (Annexure-5 to the writ petition) shows that the petitioner while functioning as Head Office Inspector and Manager (Inspection) of the Regional Office, Gonda was alleged to have committed various acts of misconduct for which a charge sheet dated 24.10.1990 (Annexure-4A to the writ petition) was issued to him. Thereafter an inquiry was held in which he was given an opportunity of hearing and the Inquiry Officer gave his report dated 24.10.1991 (Annexure-4B to the writ petition). A perusal of the inquiry report shows that the petitioner has been found guilty of various acts of misconduct on charge Nos. II, III, IV, VI and VIII contained in the charge sheet. Charge Nos. I and V have also been found to be partly proved. In writ jurisdiction we cannot sit as a Court of appeal against these findings of fact. A

perusal of the charge sheet shows that the charges are very serious in nature.

5. Learned counsel for the petitioner submitted that no loss was caused to the Bank. It has been held by a series of decisions that in a Bank the highest degree of standards of devotion to duty and integrity are required to be maintained in order to maintain public confidence in the Bank vide Smt. Gangotri Devi Vs. State Election Commission, Panchayat and Local Self and Others, Ram Pratap Sonkar Vs. Chairman and Managing Director, Allahabad and others, ; K.K. Singh v. Gomti Gramin Bank 2002 ALJ 480 ; Union Bank of India Vs. Vishwa Mohan, , etc. Even if no loss has been caused to the Bank, the employee can be punished vide T. Venkata Narayana and Others Vs. Smt. Venkata Subbamma (dead) and Others, and State Bank of India and others Vs. T.J. Paul, , etc. The Inquiry Officer in his report has gone into great detail and has found that charge Nos. II, III, IV, VI and VIII have been proved and charge Nos. I and V are partly proved. These are findings of fact and we cannot interfere with the same in writ Jurisdiction. We can only interfere if there is error of law apparent on the face of the record. The petitioner filed an appeal which has been dismissed vide Annexure-7 to the writ petition.

6. We have also perused the orders copies of which are Annexures 15 and 18 to the writ petition and find no legal infirmity in the same. Findings of fact have been recorded therein and this Court cannot sit as a Court of first appeal against those findings. The petition is dismissed.