
(2007) 07 AHC CK 0169
In the Allahabad High Court

Ravindra Kumar Kapoor (since deceased Smt. Laxmi Kapoor)	APPELLANT
Vs	
General Manager, Personnel Division, Punjab National Bank and Zonal Manager/Deputy General Manager, Punjab National Bank	RESPONDENT

Date of Decision : 06-07-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) 7 AWC 6653 : (2007) 115 FLR 438 : (2008) 1 LLJ 333

Hon'ble Judges : Sudhir Agarwal, J;Anjani Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Anjani Kumar and Sudhir Agarwal, JJ.—Ravindra Kumar Kapoor, the petitioner in the present writ petition since deceased and substituted by his wife Smt. Laxmi Kapoor (in short "Petitioner"), has challenged the order dated 30th August, 1999, passed by respondent No. 2 and the order dated 24th March, 2000, passed by respondent No. 1, Annexures-"6" and "8" respectively to the writ petition.

2. The brief facts of the present case are that petitioner joined the Punjab National Bank as Clerk-cum-cashier with effect from 31st July, 1972 at Civil Lines branch in the district of Saharanpur. In due course of time, the petitioner was promoted in the year 1979 and again in the year 1986 on account of which he rose to the rank of Manager Scale-II. The petitioner was suspended on 21st October, 1994 and was also served with a charge sheet dated 10th October, 1994 initiating disciplinary proceeding against him, which has been annexed as Annexure-"1" to the writ petition. The petitioner submitted a detailed reply to the charge sheet on 5th April, 1995 denying charges levelled therein. Sri U.C. Varshney, Manager Scale-III was appointed as inquiry officer, who earlier had conducted inquiry and submitted preliminary inquiry report on 14th November, 1992. Though the petitioner objected to U.C. Varshney, being appointed as

inquiry officer, yet the inquiry went on. However, thereafter Sri V.K. Jolly, Manager Scale-II was appointed as inquiry officer, who continued till December, 1995 and; thereafter Sri S.C. Agrawal, Senior Manager was appointed as inquiry officer to conduct the aforesaid inquiry against the petitioner. During the course of inquiry proceeding, the petitioner submitted a detailed written brief on 30th April, 1999. The inquiry officer after completing the enquiry submitted his report to the disciplinary authority on 12th June, 1999 holding that majority of the charges levelled against the petitioner in the charge sheet dated 10th October, 1994 were not fully proved. The report of the inquiry officer has been annexed as Annexure-"4" to the writ petition. From the report submitted by inquiry officer, it would be clear that the petitioner was neither responsible for causing any financial loss to the Bank or acquiring assets disproportionate to his known sources of income and further petitioner had not given any monetary benefits during the course of discharge of his official duties at the cost of the interest of the Bank. The inquiry officer while submitting report dated 12th June 1999 held that the petitioner was responsible for some irregularities during the course of discharge of his official duties as Manager Scale-II of the Bank. After receipt of the inquiry report the petitioner submitted a detailed representation dated 5th July, 1999 to the disciplinary authority. The disciplinary authority vide order dated 30th August, 1999 passed an order directing removal of the petitioner from service of the Bank which would also disqualify him for future employment in terms of Clause 4(j) of Punjab National Bank Officer Employees (Discipline & Appeal) Regulations, 1977 (hereinafter referred to as "1977 Regulations"). A copy of the impugned order dated 30th August, 1999 is annexed as Annexure-"6" to the writ petition. It is further alleged by the petitioner that the disciplinary authority without considering the inquiry officer's report dated 12th June, 1999 and the representation of the petitioner dated 5th July, 1999, has passed the impugned order.

3. Aggrieved by the order dated 30th August, 1999, the petitioner preferred a departmental appeal before the appellate authority, the respondent No. 1 in this petition. The appellate authority vide order dated 24th March, 2000 dismissed the appeal filed by the petitioner and affirmed the order passed by the disciplinary authority, a copy of which is annexed herewith as Annexure-"8" to the writ petition. thus, this writ petition.

4. Heard learned Counsel appearing on behalf of the parties and perused the records.

5. Learned Counsel appearing on behalf of the petitioner submitted that the finding arrived at by the disciplinary authority suffers from the error apparent on the face of record and so is the order passed by the appellate authority. We have gone through the orders impugned in the present writ petition. Learned Counsel for the petitioner as not been able to demonstrate that the impugned orders in any way suffer from any error, much less error apparent on the face of record which may warrant any interference by this Court in exercise of jurisdiction under

Article 226 of the Constitution of India. The findings arrived at by the disciplinary authority and affirmed by the appellate authority have also not been demonstrated to be either perverse, or illegal in the circumstances, we do not find any force in the submission made on behalf of the petitioner. Learned Counsel for the petitioner then submitted that the punishment awarded to the petitioner is disproportionate to the gravity of the charges leveled against the petitioner. Without entering into this question, we remind ourselves to the law on the subject that this Court in exercise of jurisdiction under Article 226 of the Constitution of India cannot interfere with regard to the quantum of punishment and arrive at a different finding that has arrived at by the disciplinary authority and affirmed by the appellate authority unless it is shown to be shocking to the conscious of the Court. We do not find the punishment to go out of proportion warranting any interference.

6. No other point was raised by learned Counsel for the petitioner.

7. In view of what has been stated above, this writ petition has no force and is accordingly dismissed. Interim order, if any stands vacated. However, there will be no order as to costs.