

(2004) 07 DEL CK 0087

In the Delhi High Court

Case No : Writ Petition (C) No. 2252 of 1997

S.C. Manchanda

APPELLANT

Vs

Indian Bank and Others

RESPONDENT

Date of Decision : 08-07-2004

Acts Referred:

Citation : (2004) 113 DLT 529 : (2004) 77 DRJ 623 : (2005) 104 FLR 1086 : (2005) 1 LLJ 228

Hon'ble Judges : Manmohan Sarin, J

Bench : Single Bench

Advocate : Pawan, for Rajeev Sharma, for the Appellant; V.K. Rao, for the Respondent

Final Decision : Dismissed

Judgement

Manmohan Sarin, J.—The petitioner in this writ petition seeks writ for quashing of the order dated 2.7.1996 passed by the General Manager rejecting the appeal preferred by the petitioner.

2. Petitioner had been working as Clerk-cum-Shroff with the respondent bank. He was promoted as an Officer in the Junior Management Grade Scale-I on 31.12.1981. In July, 1988, the petitioner was posted at the Jullundur branch. The petitioner absented from duty from 16.7.1988, without sanction of any leave. Learned counsel for the petitioner submits that it is a unfortunate case where the petitioner had lost his balance of mind and had abandoned his whole family and remained missing for over seven years.

3. It is stated that it is only after eight years that the petitioner returned home. Learned counsel submits that as the petitioner had lost his balance of mind and was not conscious of his actions, the case ought to have been considered sympathatically. His absence should not have been treated as unauthorised. Respondent bank had duly conducted an inquiry, a charge sheet was issued. Notices were also published in the daily newspapers and after duly complying

with procedure, he was removed from service.

4. Mr. V.K. Rao, learned counsel for respondent on the other hand, has pointed out that the petitioner's family had initially lodged a report with the police claiming that petitioner had suffered certain losses in shares and apprehended his kidnapping by certain people who were named in the report.

5. Be that as it may, respondent being a commercial bank, could not be expected to condone this kind of absence from duty. There is no infirmity in the inquiry conducted. All that is urged by the learned counsel for the petitioner is that the petitioner being under depression and having lost his mind was not conscious of his actions. Therefore the Appellate Authority should have granted relief.

6. I am not persuaded in the facts of this case and especially in the absence of any medical evidence regarding petitioner's sickness to accept this plea. No interference in the exercise of discretion by the Appellate Authority is called for. Petition being devoid of merit is dismissed.