
(2016) 04 AHC CK 0283
In the Allahabad High Court
Case No : Writ-A No. 313 of 1998

Sita Ram

APPELLANT

Vs

Chief Managing Director, Union Bank of India

RESPONDENT

Date of Decision : 21-04-2016

Acts Referred:

Citation : (2017) 121 ALR 123

Hon'ble Judges : Sudhir Agarwal and Shamsheer Bahadur Singh, JJ.

Bench : Division Bench

Advocate : Shanker Suan, Brijesh Kumar Sharma, S.C. Verma, V.R. Agarwal and Vivek Ratan, Advocates, for the Petitioner; S.C., V.P. Agrawal and Vivek Rathor, Advocates, for the Respondent

Final Decision : Dismissed

Judgement

Sudhir Agarwal and Shamsheer Bahadur Singh, JJ.—Heard Sri A.K. Singh, learned counsel for petitioner and Sri Vivek Rathor for respondent Bank.

2. This writ petition, under Article 226 of the Constitution of India, has been filed by petitioner Sita Ram, who was working as Clerk-cum-Cashier in Union Bank of India (hereinafter referred to as "Bank") but after departmental inquiry has been imposed punishment of reduction of 8 stages in time scale of pay vide order dated 9th October, 1996 passed by Disciplinary Authority, which has been reduced to 5 stages in time scale of pay by Appellate Authority vide order dated 13th May, 1997 communicated to petitioner vide letter dated 23.05.1997. Third order under challenge is dated 17th October, 1997 passed by Reviewing Authority communicated to petitioner vide letter dated 21st October, 1997, whereby his review has been rejected.

3. The facts in brief giving rise to present petition are as under;

4. While working as Rural Development Officer at Patti Narendrapur, District Jaunpur Branch of the said Bank, petitioner was served with charge sheet dated 4th September, 1994, alleging various acts of misconduct namely; doing acts

unbecoming of a Bank Officer; failure to take all possible steps to ensure and protect interest of Bank; and failure to discharge of his duties utmost integrity, honesty, devotion and diligence. Petitioner replied charge sheet and denied charges levelled against him vide replied dated 22.11.1994. Disciplinary Authority appointed Sri V.K. Joshi, Dy. Manager, Inquiry Cell Zonal Office, Lucknow of Bank as Inquiry Officer vide letter dated 07.12.1994. Oral inquiry commenced from 1st August, 1995 and intimation to this effect was communicated to petitioner vide letter dated 13th July, 1995. Petitioner was also informed that he may take assistance of any officer of Bank and bring such any Officer to participate in the inquiry, if so desires. Petitioner nominated one Sri R.A. Maurya, Branch Manager, Jamalapur, District Jaunpur as his defence representative and requested Inquiry Officer to inform defence representative to attend oral inquiry. Petitioner was relieved by his Branch Manager to attend inquiry on 1st August, 1995 but he did not attend proceedings, alleging that he fell ill and informed Inquiry Officer accordingly vide telegram dated 01.08.1995. Inquiry Officer fixed next date on 8th September, 1995 and vide letter dated 02.08.1995 furnished list of documents and witnesses named by the Presenting Officer of Bank to petitioner. Petitioner vide letter dated 11th August, 1995 requested Inquiry Officer to furnish photo copies of all documents to him and his defence representative. It is alleged that on 8th September, 1995, petitioner attended office of Inquiry Officer but neither Inquiry Officer nor Presenting Officer was present. Again on 05.12.1995, he attended the proceeding, but no inquiry commenced at all on that date. On next date i.e. 3rd April, 1996 due to absence of defence representative adjournment was requested by petitioner. On 4th April, 1996 petitioner's defence representative was not relieved, hence he sought adjournment. On 19th April, 1996, due to illness, petitioner did not attend inquiry and sought adjournment. Inquiry Officer closed inquiry and submitted report on 02.05.1996 holding charge proved against him. Petitioner was given an opportunity to submit representation before Disciplinary Authority vide letter dated 9th May, 1996. He further requested by letter dated 27.05.1996 due to illness, he could not attend proceedings and hence proceedings should be conducted after allowing his participation but Disciplinary Authority passed order dated 09th May, 1996 imposing punishment of reduction of 8 stages in time scale of pay, where against petitioner preferred an appeal vide memo of appeal dated 01.12.1996 which has been partly allowed and Appellate Authority vide order dated 13th May, 1997 has reduced punishment to reduction in time scale of pay by 5 stages and petitioner review application has been rejected by Reviewing Authority, hence this writ petition.

5. It is contended that no proper opportunity has been given to petitioner, inasmuch as, on 4th April, 1996 his defence assistance could not come, hence petitioner sought adjournment that was disallowed. This vitiated inquiry proceedings. It is further contended that subsequently petitioner fell ill and sought adjournment but ignoring this fact, Inquiry Officer proceeded and completed proceeding and submitted inquiry report. Thirdly, it is contended that

punishment is disproportionate to the alleged misconduct.

6. As we have already noticed, Inquiry Officer fixed different dates giving opportunity to petitioner but he repeatedly sought adjournments for one or the other reason.

7. Inquiry report shows that on 4th April, 1996, petitioner sought adjournment on the ground that he could not bring his defence representative but adjournment was rejected on the ground it was petitioner's responsibility to arrange defence representative and thereafter petitioner refused to sign proceedings, hence Inquiry Officer proceeded with oral inquiry. It was open to petitioner to participate in proceedings but he chose to stay away. We are satisfied that petitioner was given due opportunity by Bank to defend himself but he failed to avail, hence it cannot be said that disciplinary proceedings are bad in law for violation of principles of natural justice.

8. Now coming to question of punishment disproportionate to gravity of charge, we find that charges of advancement of loan without verifying antecedents and potential of loaning, which are necessary steps prescribed in Banking Regulation, were not followed as a result whereof Bank sustained loss. These losses are not disputed. Petitioner submitted that in some cases inquiry/verification was made subsequently. Charges, therefore, have been proved on the basis of record and they are serious charges. Charges are of loss of revenue to Bank and lack of devotion to his duty. In the matter of Banking operations utmost integrity, honesty and devotion of employee is most important aspect.

9. In *Chairman and Managing Director, United Commercial Bank and Ors. v. P.C. Kakkar* (2003) II LLJ 181 SC, Court noticing a more sincere kind of responsibility to duties to a Bank Officer in Para 14 of the judgment has observed as under :

"A Bank officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the Bank is required to take all possible steps to protect the interests of the Bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a Bank officer. Good conduct and discipline are inseparable from the functioning of every officer/employee of the Bank. As was observed by this Court in *Disciplinary Authority-cum-Regional Manager v. Nikunja Bihari Patnaik* (1996 (9) SCC 69), it is no defence available to say that there was no loss or profit resulted in case, when the officer/employee acted without authority. The very discipline of an organization more particularly a Bank is dependent upon each of its officers and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and is a misconduct. The charges against the employee were not casual in nature and were serious. These aspects do not appear to have been kept in view by the High Court."

10. Looking to the nature of charges which is proved, it cannot be said that punishment imposed upon petitioner does not commensurate to the gravity of

charges, hence submission is also rejected.

11. In view of above discussion, we find no merit in this petition.

12. Dismissed.