
(2016) 05 AHC CK 0048
In the Allahabad High Court
Case No : Writ A No. 19776 of 2016

Smt. Sonam Shri	Vs	APPELLANT
Canara Bank & Another		RESPONDENT

Date of Decision : 03-05-2016

Acts Referred:

Citation : (2016) 5 ADJ 770 : (2016) 3 AllWC 2773

Hon'ble Judges : Tarun Agarwala and Prabhat Chandra Tripathi, JJ.

Bench : Division Bench

Advocate : Manoj Kumar, Advocate, for the Appellant; Siddharth, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Prabhat Chandra Tripathi, J.—The petitioner has preferred this writ petition for issuance of a writ in the nature of certiorari for quashing the termination order dated 14.08.2015 passed by the respondent no. 2 as well as the appellate order dated 08.12.2015 passed by the respondent no. 1 and for quashing of the recovery proceedings initiated against the petitioner. The petitioner has also prayed that a writ in the nature of mandamus be issued directing and commanding the respondent Bank to reinstate the petitioner.

2. The brief facts of the case in narrow compass are enumerated as follows:-

3. The petitioner Smt. Sonam Shri joined as Probationary Agriculture Extension Officer in Canara Bank at Service Training Centre, Bangalore on 22.04.2013. Her training was completed on 11.05.2013 and she was allotted Lucknow Circle (AF & PS Section). She joined her services on Probation for two years on 13.05.2013 and worked there till 10.11.2013. She requested for her transfer at her matrimonial house situate at Ballia district but the same was not considered by the respondents. She applied for maternity leave w.e.f. 11.11.2013 to 09.05.2014 and the same was allowed. She was blessed with a baby boy on 20.03.2014 and thereafter she again sent a request via e-mail dated 31.05.2014

to grant her four months further leave on LOP basis. Meanwhile, she again requested the respondents authority to transfer her from Lucknow to Ballia, which was not entertained and in January, 2015 HRM, Lucknow transferred the petitioner to Mubarakpur Branch (Raebareli, Lucknow circle office). Since the husband of the petitioner was also in service as a Technician at Firoze Gandhi National Thermal Station, Unchahaar and no one was at her home to look-after her nine months old infant boy even then the petitioner joined her posting at Mubarakpur and worked there for more than a month. Again, she reiterated for her transfer from Mubarakpur to Ballia at Varanasi Circle, U.P. by making an application dated 04.02.2015. She repeated her request by making another application dated 25.02.2015 with the same prayer.

4. Later on, due to serious gynaecological health hazard, the petitioner sought leave on this ground and sent the application via e-mail on 16.03.2015. The office of the respondent no. 2 by a letter dated 12.05.2015 sent a notice "absence from duties" mentioning therein her previous leave applications and her unauthorized absence without permission/sanction of any leave and proceeding on leave unauthorisedly without any sanction or permission of leave and instructed her to report back for duty.

5. In reply to the aforementioned letter dated 12.05.2015 of the respondent no. 2, the petitioner reiterated the request of her transfer from Mubarakpur to Ballia at Varanasi Circle by a letter dated 13.05.2015 stating her grievance.

6. The respondent no. 2 via e-mail dated 19.06.2015 has requested the petitioner that she has not sent any acknowledgment and has not joined her duties. To this, the petitioner in the form of reply requested for her transfer from Mubarakpur to Ballia at Varanasi Circle as she was unable to continue her job at Mubarakpur due to the reason that there was none to look-after her one year old infant son. The respondent no. 2 vide its letter dated 30.06.2015 informed the petitioner that in spite of several letters issued by the respondent no. 2 with regard to an instruction to report on duty immediately, she did not report for duty till date and her leave w.e.f. 23.02.2015 to 28.02.2015-six days, w.e.f. 04.04.2015 till date (one hundred nineteen days) have been treated as AWL hence loss of Pay and "Not Spent On Duty".

7. Meanwhile, a notice dated 14.07.2015 in terms of Regulation 16 (3)(a) of Canara Bank (Officers) Service Regulations, 1979 was issued by the respondent no. 2 to the petitioner informing her that she has not been found fit for confirmation.

8. Later on, the respondent authorities vide proceedings dated 14.08.2015 terminated her services mentioning therein all sequence of the events in summary form and also issued a notice for the recovery of bond amount of Rs. 1,00,000/- (One lakh only) within a period of 15 days from the date of receipt of notice.

9. The petitioner filed an appeal dated 08.10.2015 against her termination order

dated 14.08.2015 which was also dismissed vide order dated 08.12.2015.

10. We have heard the learned counsel for the petitioner and perused the record.

11. To understand the mindset of the petitioner, it is essential to study her application dated 25.02.2015 (Annexure-3) and application dated 01.07.2015 (Annexure-8). In the application dated 25.02.2015, the petitioner while seeking her transfer from C.O. Lucknow to C.O. Varanasi has made a request in the following form which is quoted verbatim as follows:-

"Therefore Sir, it is my humble request to kindly transfer me to my home town Ballia (Varanasi Circle). Otherwise I am unable to continue my job and remain on leave till my further transfer to Varanasi C.O. (Ballia)."

In her application dated 01.07.2015 while seeking inter circle transfer, the petitioner has made request in the following form which is quoted verbatim as follows:-

"So sir, it is my humble request to please try to understand my problem and give me transfer to distt. Ballia (Varanasi Circle), otherwise forcefully I have quit my job."

12. The prayers made as herein stated above by the petitioner reflect her utmost disrespect and disobedience towards her higher authorities and also gives a glaring example of pressure tactics methods to seek orders in her favour which went in vain, rather it acted as boomerang to her.

13. The principles of natural justice was applied with all care and caution by the respondents while passing the impugned orders against the petitioner. She was issued notice for her absence from duties mentioning therein all sequence of the events as is evident from the notice dated 12.05.2015 issued by the respondent no. 2 (Annexure-5) and notice issued by the respondent no. 2 dated 30.06.2015 (Annexure-8). The notice in terms of Regulation 16(3)(a) of Canara Bank (Officers) Service Regulations, 1979 issued by the respondent no. 2 has clearly enumerated all the previous conduct of the petitioner (Annexure-9). Proceedings of the Deputy General Manager dated 14.08.2015 reflects all the facts and the sequence of the events which culminated into the impugned order which ensued by a notice of recovery of bond amount from the petitioner dated 23.09.2015 (Annexure-11). The petitioner preferred an appeal dated 08.10.2015 against her termination order which was also dismissed by passing a reasoned and speaking order dated 08.12.2015 by the respondents on merits (Annexure-13).

14. This seals the fate of the petitioner.

15. Having heard the learned counsel for the petitioner, we find that the petitioner was on probation and in terms of her appointment letter, the service agreement and the Regulation of 1979 her services was dispensed with while working as a Probationary Officer.

16. We do not find any manifest error in the impugned order.

17. The writ petition is dismissed.