



2024:UHC:9872

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 2324 of 2024

23rd December, 2024

Deepak Kumar

.....Petitioner

Versus

State of Uttarakhand and another

.....Respondents

Presence:-

Ms. Seema Sah, Advocate for the petitioner.

Mr. J.S. Bisht, S.C. for the State.

Mr. B M Pingal, Advocate for Caveator/respondent no.2.

Hon'ble Pankaj Purohit, J.

By means of the present writ petition, the petitioner has put to challenge the order dated 07.11.2024, whereby the petitioner was placed under suspension by the order of respondent no.2- Managing Director, Uttarakhand State Co-operative Bank Ltd., Haldwani.

2. The petitioner was placed under suspension by the impugned order for the reason that in violation of Clause 6b and 8e of Lending Policy, whereby it is clearly prohibited that the Senior Officer of the Bank would not disburse the loan to his relatives without approval from the Board, the petitioner disbursed loan to his real brother.

3. The petitioner, who is Senior General Manager of the Bank allegedly sanctioned loan of ₹10,00,000/- to his real brother- Brijesh Kumar and the fund was diverted in his own account and the said amount was withdrawn on 24.10.2024, therefore, the petitioner was placed under suspension.

4. Clause 6b and 8e of the Lending Policy is quoted hereinbelow for ready reference:-

“6b.Restrictions on Grant of Loans & Advances to Officers and Relatives of Senior Officers of Banks

Proposals for credit facilities to the relatives of senior officers



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of the bank sanctioned by the appropriate authority will be reported in the Board when a credit facility is sanctioned by an authority, other than the Board.”

8e.Delegation of Powers

(i) The Board of Directors delegates specific powers to the officials, subcommittees at branches and subcommittee at the Head Office level in the matter of sanction of advances as detailed hereunder:-

SI No.	Authority	Lending power (Rs. in lakh)
1	Chief Managers/Managers of branches other than Haldwani Main Branch and Corporate Branch Dehradun	up to Rs.3.00 lakh
2	Chief Managers/Managers of Haldwani Main Branch and Corporate Branch Dehradun	up to Rs.5.00 lakh
3	Sub-Committees for loans at “Garhwal Mandal” and “Kumaon Mandal” constituting : 1.Any one nominated Director, Chairman 2.GM/OSD, member 3.DGM (Credit), member 4.Any one AGM, member 5. Branch Manager of concerned branch, member-Convener	up to Rs.20.00 lakh The subcommittees will dispose of the loan proposals relating to the branches of the respective mandals above. The subcommittees will also be responsible for making recommendation to HO Loan Committee for disposal of the loan proposals above Rs.20.00 lakh. Sanction letters pertaining to sanctions of Mandal sub Committees will be issued by Loan Department HO to the branch concerned.
4	Committee for loans at Head Office level constituting: 1.Chairman or Vice Chairman, Chairman 2.Chairman or Vice Chairman, Chairman 3.General Manager/OSD, member 4.Dy. General Manager, convener	More than Rs.20.00 lakh up to Rs.1.00 crore. HO Loan committee will dispose of the loan proposals within the limit prescribed above. The HO Loan committee will also be responsible for making



		recommendation to Management Committee of Board for disposal of the loan proposals above Rs.1.00 crore. Sanction letters pertaining to sanctions of HO Loan Committee will be issued by Loan Department HO to the branch concerned after written orders from MD.
5	Management Committee of Board	More than Rs.1.00 crore On receiving recommendations from HO Loan Committee the proposals will be considered within the consortium arrangement with the member DCSBs after receiving their consent. Sanction letter will only be issued by the loan department. HO only after written orders of the MD on receiving approval from the RCS, Uttarakhand.

5. Learned counsel for the petitioner, however, disputed the allegations made against the petitioner and submitted that the Board was not functioning and the information was already sent to the Managing Director, Loan Committee.

6. Having heard learned counsel for the parties and having gone through Clause 6b and 8e of the Lending Policy, it is clear to the open eye that such loan cannot be permitted to be advanced by the petitioner and he is definitely made infraction of the aforesaid clauses in the lending policy by sanctioning loan to his own brother.



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7. So far as non availability of the Board is concerned, it is informed that in the absence of the Board, Administrator has already been appointed by the Registrar, Co-operative Societies and the approval can very well be taken from Administrator, who has been empowered to do all acts on behalf of the Board except appointment.

8. This Court finds force in the submission of learned counsel for the Bank. As such no case is made out for interference.

9. Accordingly writ petition is dismissed, however, respondent-Bank is directed to expedite disciplinary proceedings against the petitioner within a period of four months from today.

(Pankaj Purohit, J.)
23.12.2024

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