

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1262 of 2015

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Ram Balak Ray S/o Shri Kusheshwar Rai Resident of Village Chak Jainab,
P.O. Chak Sikandar Police Station Bidupur, District Vaishali.

.... Petitioner/s

Versus

1. The Central Bank of India through the General Manager, Central Office, Chander Mukhi Nariman Point Mumbai-400021.
2. The Zonal Manager, Central Bank of India, Zonal Office B. Block, 2nd floor, Maurya Lok Complex, Patna-800001.
3. The Appellate Authority cum Zonal Manager, Central Bank of India, Zonal Office, B. Block, 2nd Floor, Maurya Lok Complex, Patna-800001.
4. The Disciplinary Authority/Regional Manager, Central Bank of India, Regional Office, Balmatal Motihari, District East Champaran.
5. The Deputy Regional Manager, Central Bank of India, Regional Office, Balmatal Motihari, District East Champaran.
6. The Inquiring Authority/Senior Manager, Central Bank of India, Motihari Branch, Motihari, District East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Adv with Mr.
Umesh Kumar Mishra, Adv

For the Respondent/s : Mr. Rajeev Ranjan Prasad, Adv with Mr.
Nilanjan Chatterjee, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 22-04-2015 Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ

application reads as follows:-

“For issuance of an appropriate writ in the nature of certiorari for quashing of certiorari for quashing the letter no. ZO:ZM:AA:2014-15:174 dated 04.11.2014 passed and issued under the signature of the Appellate Authority-cum-Zonal Manager, Central Bank of India, Zonal office, Patna by which he has upheld the punishment inflicted by the Disciplinary Authority/Regional Manager, Central Bank of India, Regional Office, Motihari vide his letter no. RO/HRD/DAD/2013-14/139 dated 18.10.2013 and communication of the same vide letter no. 140 dated 18.10.2013, by which the Regional Manager, Central Bank of India, Regional Office, Motihari has awarded



major punishment of the compulsory retirement of the petitioner, further for quashing the communication by administrative order as contained in letter no. RO/HRD/DAD/2014-15/121 dated 26.11.2014 passed and issued under the signature of the Regional Manager, Central Bank of India, Regional Office, Motihari and also for quashing the administrative order as contained in letter no. RO/HRD/DAD/2013-14/139 dated 18.10.2013 and communication of the same vide letter no. 140 dated 18.10.2013 passed and issued under the signature of the Disciplinary Authority/Regional Manager, Central Bank of India, Regional Office, Motihari whereby and whereunder he has awarded major punishment of compulsory retirement of the petitioner without properly appreciating the facts and circumstances of the present case.

For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to reinstate the petitioner on the respective post i.e. Branch Manager, Central Bank of India with all consequential benefits as the order of compulsory retirement is an excessive one and without appreciating the facts and circumstances of the present case.”

3. Mr. Chitranjan Sinha, learned senior counsel appearing on behalf of the petitioner in support of the aforementioned prayer has straightway proceeded to assail the impugned orders of punishment and its affirmance by appellate authority on the ground of a number of procedural infirmities in course of departmental proceeding as well as passing of the impugned orders by the disciplinary authority as also by



the appellate authority. In this regard he has firstly submitted that after the departmental inquiry was concluded even the copy of the inquiry report was not furnished to the petitioner and yet the order of punishment was passed only by way of concurrence to the findings recorded by the Enquiry Officer in the inquiry report. He has also pointed out that as a matter of fact when this issue relating to non supply of the inquiry report was raised by the petitioner before the appellate authority, the appellate authority itself assumed power of disciplinary authority and had directed for service of copy of inquiry report to the petitioner whereafter the petitioner was asked to submit his comment/reaction to the inquiry report before the appellate authority itself and the impugned appellate order thereafter was passed affirming the order of punishment passed by the disciplinary authority. In this regard has explained that firstly the appellate authority could not have assumed the role of disciplinary authority



and secondly even if the appellate authority had disposed of the appeal, he had to at least consider the defence of the petitioner as raised by him in reply to the findings recorded in the inquiry report. He has also referred to the appellate order to only substantiate this aspect that the appellate authority did not even say a word as with regard to the comment/objection of the petitioner to the findings recorded in the impugned order. According to Mr. Sinha such procedure of disposal of departmental proceeding is not only in violation of the principles of natural justice but also contrary to the statutory rules governing the service conditions of the petitioner namely, Central Bank of India Officers Employees (Conduct) Regulation, 1976.

4. Mr. Rajiv Ranjan, learned counsel appearing on behalf of respondent-Bank on the other hand has submitted that no error has been committed by the disciplinary authority or the appellate authority in passing the impugned order. He has in fact also sought



to defend the impugned orders by relying on the principles that no prejudice caused to the petitioner on account of non supply of the inquiry report. According to him once the copy of the inquiry report was given by the appellate authority and the appellate authority had passed his appellate order after considering the comment/reaction of the petitioner against the finding in the inquiry report, no prejudice was actually caused to the petitioner. In this regard, he has also referred to certain findings of the appellate authority to show application of mind on the defence of the petitioner raised in the memo of appeal as also comment/reaction furnished by the petitioner to the inquiry report before the appellate authority.

5. In the considered opinion of this Court, the procedure presented by the bank in its Regulation for inflicting major punishment has not been followed. In the regulations, there is a clear provision prescribed as to how major punishment has to be inflicted as would be

also evident from regulation nos. 6 and 7 of 1976 regulations.

6. From a bare reading of the regulation nos. 6 and 7, it would become absolutely clear that after the inquiry is concluded by the inquiring authority (I.A) , the report of the inquiry officer has to be forwarded to disciplinary authority for taking action on the inquiry report. Though, regulation no. 7 which was framed in the year 1976 does not provide for supply of the copy of the inquiry report before passing of the order of punishment but then these regulations were framed in the year 1976 will have to be read in the light of the constitution Bench judgment of the Apex Court in the case of **Managing Director, ECIL, Hyderabad and Ors vs B. Karunakar and Ors**, reported in **1993(4) SCC 727**, wherein, after considering all the aspects of the matter, law was laid down in para 29 and 30 of the judgment in the following terms:-

“Hence it has to be held that when the enquiry officer is not the disciplinary authority, the delinquent employee has a right to receive a copy of the enquiry officer’s report before the disciplinary authority arrives

at its conclusions with regard to the guilt or innocence of the employee with regard to the charges leveled against him. That right is a part of the employee's right to defend himself against the charges leveled against him. A denial of the enquiry officer's report before the disciplinary authority takes its decision on the charges, is a denial of reasonable opportunity to the employee to prove his innocence and is a breach of the principles of natural justice.

Hence the incidental questions raised above may be answered as follows:

[i] Since the denial of the report of the enquiry officer is a denial of reasonable opportunity and a breach of the principles of natural justice, it follows that the statutory rules, if any, which deny the report to the employee are against the principles of natural justice and, therefore, invalid. The delinquent employee will, therefore, be entitled to a copy of the report even if the statutory rules do not permit the furnishing of the report or are silent on the subject.

[ii] The relevant portion of Article 311 (2) of the Constitution is as follows:

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges."

Thus the article makes it obligatory to hold an inquiry before the employee is dismissed or removed or reduced in rank. The article, however, cannot be construed to mean that it prevents or prohibits the inquiry when punishment other than that of dismissal, removal or reduction in rank is awarded. The procedure to be followed in awarding other punishments is laid down in the service rules governing the employee. What is further, Article 311(2) applies only to members of the civil services of the Union or an all-India Service or a Civil Service of a State or to the holders of the civil posts under the Union or a State. In the matter of all punishments both Government servants and others are governed by their service rules. Whenever, therefore, the service rules contemplate an inquiry before a punishment is awarded and when the enquiry officer is not the disciplinary authority the delinquent employee will have the right to receive the inquiry officer's report notwithstanding the nature of the punishment.

[iii] Since it is the right of the employee to

have the report to defend himself effectively and he would not know in advance whether the report is in his favour or against him, it will not be proper to construe his failure to ask for the report, as the waiver of his right. Whether, therefore, the employee asks for the report or not, the report has to be furnished to him.

[iv] In the view that we have taken, viz., that the right to make representation to the disciplinary authority against the findings recorded in the enquiry report is an integral part of the opportunity of defence against the charges and is a breach of principles of natural justice to deny the said right, it only appropriate that the law laid down in Mohd. Ramzan case should apply to employees in all establishments whether Government or non-Government, public or private. This will be the case whether there are rules governing the disciplinary proceeding or not and whether they expressly prohibit the furnishing of the copy of the report or are silent on the subject. Whatever the nature of punishment, further, whenever the rules require an inquiry to be held, for inflicting the punishment in question, the delinquent employee should have the benefit of the report of the enquiry officer before the disciplinary authority records its findings on the charges leveled against him. Hence question (iv) is answered accordingly.

[v] The next question to be answered is what is the effect on the order of punishment when the report of the enquiry officer is not furnished to the employee and what relief should be granted to him in such cases. The answer to this question has to be relative to the punishment awarded. When the employee is dismissed or removed from service and the inquiry is set aside because the report is not furnished to him, in some case the non-furnishing of the report may have prejudiced him gravely while in other cases it may have made no difference to the ultimate punishment awarded to him. Hence to direct reinstatement of the employee with back-wages in all cases is to reduce the rules of justice to a mechanical ritual. The theory of reasonable opportunity and the principles of natural justice have been evolved to uphold the rule of law and to assist the individual to vindicate his just rights. They are not incantations to be invoked nor rites to be performed on all and sundry occasions. Whether in fact, prejudice has been caused to the employee or not on account of the denial to him of the report has to be considered on the facts and circumstances of each case. Where, therefore,



even after the furnishing of the report, no different consequence would have followed, it would be a perversion of justice to permit the employee to resume duty and to get all the consequential benefits. It amounts to rewarding the dishonest and the guilty and thus to stretching the concept of justice to illogical and exasperating limits. It amounts to an “unnatural expansion of natural justice” which in itself is antithetical to justice.”

7. Having regard to the aforementioned authoritative pronouncement of the Constitution Bench in the case of Karunakar (supra) there would be no difficulty in coming to a conclusion that the regulations framed by the Bank in the year 1976 will now have deemed to have incorporated the provision of supplying of copy of inquiry report after conclusion of the inquiry by the disciplinary authority before it takes any decision as with regard to inflicting punishment to the delinquent.

8. This Court is not aware as to whether amendment has been made in 1976 regulations of the Bank but then one thing is absolutely clear that when the inquiry was completed upon submission of the inquiry report, the petitioner was not furnished copy of the inquiry report by the disciplinary authority, when it had



proceeded to pass the impugned order of punishment dated 08.10.2013. Let it be noted that the memo of charge was framed against the petitioner and the departmental proceeding was initiated by appointing Mr. A.N. Pathak, Assistant Manager, of Motihari Branch as Presenting Officer, who was not having the power of disciplinary authority. Such inquiry was thereafter conducted in between 17.08.2012 to 23.05.2013 and the inquiry report was submitted by the inquiring authority on 29.06.2013. After 29.06.2013, no opportunity was given to the petitioner by the disciplinary authority by way of furnishing of the copy of the inquiry report and the impugned order of punishment was straightway passed on 08.10.2013.

9. It is true that the disciplinary authority had recorded its own finding on perusal of the documents but then not a word has been said about the defence of the petitioner taken by him in course of inquiry. That would only go to show closed mind of the disciplinary



authority who firstly on receipt of the inquiry report holding the charges to have been proved against the petitioner had proceeded to examine the matter without even supplying copy of the inquiry report and secondly had gone to pass the order of punishment on examination of the documentary evidence led by the Bank. If that was a procedure to be followed there was no need of holding departmental proceeding because those documents were already available. Therefore the inquiring officer having recorded the finding which was not even allowed to be tested by the petitioner by even furnishing copy of the inquiry report, the order passed by the disciplinary authority is absolutely in violation of the principles of natural justice as was also held in the aforesaid two paragraph nos. 29 and 30 of the judgment of the Apex Court in the case of Karunakaran (supra) which lays down law with regard to mandatory requirement of service of inquiry report on the delinquent as being essential part of the reasonable



opportunity by way of compliance of the principles of natural justice. If this procedure is not followed, the inquiry officer and the disciplinary authority will assume dictatorial approach firstly by framing the charge and secondly recording the finding and not even allowing the delinquent to rebut those findings. Thus, the manner in which the disciplinary authority had passed order in this case will leave nothing for speculation that the petitioner was denied reasonable opportunity only by way of non supply of the copy of the inquiry report.

10. The next question would be, could the appellate authority have assumed the role of disciplinary authority? The petitioner had taken specific ground in the memo of appeal that he was not served with copy of the inquiry report. The appellate authority did not find this plea of the petitioner to be incorrect or unjustified and in fact it had gone to pass the order for supply of the inquiry report to the petitioner but then for what purpose? If the petitioner was not given opportunity



before the disciplinary authority as with regard to assailing the findings of the inquiry officer, no useful purpose could have been served in examining that aspect in appeal. The appellate authority has to apply its mind only on the finding given by the disciplinary authority and once the disciplinary authority had no occasion to consider the defence of the petitioner in the light of finding given in the inquiry report, the mode and manner adopted by the appellate authority of getting the inquiry report served to the petitioner essentially did not fulfil the basic requirement of adherence to the principles of natural justice. It has to be kept in mind that the petitioner had to be given two opportunities, firstly before the disciplinary authority and thereafter before the appellate authority. By now it is well settled that after the appellate authority itself assume the power of disciplinary authority such exercise of power will itself be unsustainable in law.

11. Having held so this Court will also test the



submission of Mr. Rajeev Ranjan from the angle of prejudice because subsequent to the judgment of Karunakar (supra), the Apex Court in the number of cases had gone to hold that the order of punishment in disciplinary proceeding cannot be quashed merely on the ground of non supply of the inquiry report, inasmuch as, the delinquent will have to establish the prejudice that he has suffered on account of non supply of the copy of inquiry report. Here in the present case the petitioner had sought to explain the prejudice by filing his comment/reaction to the findings recorded in the inquiry report after the same was made available to him by the appellate authority.

12. Let it be noted that the petitioner in reply to the finding of the inquiry report had raised specific issues as with regard to those findings relevant portion whereof reads as follows:-

“A bank’s chargesheet as mentioned above was served to me and departmental inquiry was held. As per set norms, the Disciplinary Authority by giving his observations had to make available to me the Inquiring Authority’s findings so that I might have submit by reply but it was totally denied for the reasons best

known to the D.A. and by concealing the facts of I.A.'s observations, straightaway, D.A.'s order was served upon me which clearly shows that since the charges never demanded such heavy punishment of the D.A., I preferred appeal before you good self which was afforded to me and personal hearing opportunity was given to me. During such hearing I submitted my request in detail in writing narrating all the irregularities committed during departmental inquiry proceedings against me violating set norms of natural justice. However, the I.A.'s findings which was to be given to me before infliction of D.A.'s punishment was given to me at the time of Appeal as such the whole process becomes infructuous because the D.A.'s order becomes null and void accordingly the Appeal also have no meaning at this stage.

Even though the whole proceedings is infructuous, yet complying your instructions as given during Appeal, I am submitting the reply on I.A. findings as under:

Charge No. 1: In proving the charge the I.A. has ignored the following MEX-85C in which it is clearly mentioned that the C.S.O. traced the misconduct of Shri P.K. Chakrawarty, Asstt. Manager and immediately informed to R.M. Motihari over telephone on dt. 29-04-2012 followed by written report dt. 30-04-2012. The MWI has accepted that he had taken ten (10) days time to understand the episode which was already unearthed in EPP39 of Q. No. 7 of A.D. where as first enhancement done on dt. 03-12-2011 the very next day of joining in the Branch by C.S.O. as B.M.

However, even knowing well that just after knowing the facts of irregularity I promptly reported the matter to R.O. to protect the Bank's interest, Regional management had issued chargesheet and awarded the punishment as compulsory retirement one sided in haste so that the matter may not come to knowledge.

Sir, I have to invite your kind attention that Shri P.K. Chakrawarty was previous Branch Manager, of Scale-I authorized by R.O. hence, it cannot be said that Scale-I has not authority as mentioned by I.A. in his findings and also else where. It is thus clear that he might have some commitment from borrowers for his own benefit which he accomplished just after taking my charge so that it comes on my shoulder and not on Mr. Chakraborty. Accordingly just after 02-12-2011 he started enhancement of limit in CKCC A/C from very next day, when he was not incharge, at my cost but without any knowledge of mine and thus kept me in dark

because it is natural and well known that a person after joining new branch has to understand the affairs by taking some times.

Sir, you will agree that a branch head has to depend on his colleagues and subordinates. Right from very first day of joining, it is no possible for a B.M. to doubt the integrity of his colleagues if there is any evidence contrary to the above.

I also reproduce the summary of investigation report submitted by Senior Manager Sri M.K. Jha (HRD) admitted as MEX83D.

In all (219) case fresh documents for enhancement limit have been obtained. After contacting (209) borrowers they declared that they have taken enhanced amount of CKCC from Branch Officer, Krishna Nagar. In (10) cases though borrowers could not meet on door at native places but in course of post inspection "Sarpanch" of their village have certified that all (10) borrowers are resident of the village.

Mr. Chamrawarty also accepted in investigation report that he himself has enhanced the limit (REF-MEX84C).

It is further clear from the findings that all withdrawals were allowed by Mr. Chakrawarty which make it amply clear that this was done to conceal enhancement of limit from my knowledge.

Charge No. 2: It is the repetition of charge no. 1 as MW1 in page no. 41 of statement of Q.No. 22 Hence it is clear that I had full control over the branch & daily functioning of the branch.

Charge No. 3: due to paucity of knowledge about CBS system I could not extract the sanction register from the systems. I was working under over pressure sir how can a B.M. can discharge his entire responsibilities without getting co-operation from his colleagues and subordinates? That is why I could not sent control return to R.O. on monthly basis but it is imperative to bring it to your kind notice that I had submitted the pending control return to R.O. on dt. 19-05-2012 much prior to issuance of charge sheet Ref. DEX No. 1A Page No. 43, Q.No. 29. It is also a fact that department at R.O. can also ascertain the finance made by Branch through CBS system Hence I did not conceal the fact from the controlling authority.

Supplementary Charge No. 1: Sir please refer to FD EX1 & FDEX1B in which I have reported to controlling office about the overdrawn & deposit of Rs. 2,27,000/- in seven overdrawn A/Cs.

Chare No. 2: Sir, it is possible for B.M. to accomplish all the work of the BM single handedly? I had instructed to Mr. Nihal Garg P.O. to credit the same in respective CKCC A/Cs vide MEX131A Q. No. 61 page No. 56 of proceedings. This is to inform you that MW1 on page 55 Q. No. 2 has also accepted that there may be various reasons for delaying in compliance of crop insurance mainly shortage of staff, lack of reconciliation on Page No. 56, MW1 Q. No. 3 has also accepted that there is no list of borrowers. These are the facts that crop insurance was not credited within three days but it was credited later on.

Sir, your good self will observe from the main chargesheet that though the Charge Nos. 2 and 1 of supplementary chargesheet have been alleged against Mr. P.K. Chakrawarty but punishment has been inflicted upon me. It clearly shows, what I have already elaborated above that the Regional management had already decided the quantum of punishment against me and accordingly acted by giving the punishment on the charges of others.

The other charges alleged against me is solely due to my ignorant but the punishment inflicted is compulsory retirement.

Sir, The I.A. has not taken into consideration the above mentioned MEX's & DEX's and submission of MW during interrogation while proving the charges. This proves that I.A. has not acted freely, fairly and judiciously while proving the charges. It is clear that I.A. & D.A.'s action are full of biasness. NO charges is proved against me leveled either in main chargesheet or supplementary chargesheet still infliction of punishment of CRS can't be proved to be met to end the justice.

It is thus humbly requested for the sake of natural justice of the land to be impartial in the matter and reinstate me in the service for which will meet the justice and for which I & family members shall be grateful to you for ever."

(underlining for emphasis)

13. The appellate authority however did not even say a word about those objections, comments and reactions raised by the petitioner in his reply to the

findings of the inquiry report and in fact has passed appellate order in a most routine and mechanical manner as would be evident from the following passage of the impugned appellate order:-

“In order to decide the appeal, I have carefully gone through all papers viz. Inquiry proceedings, IA’s findings, submission of CSOE on IA’s findings, arguments/submission of both parties viz. P.O. and Defence & submission of the appellant as his defence as also points raised in his appeal and comments of the Disciplinary Authority dated 04.01.2014 & 27.01.2014. I observed that the Principles of Natural Justice have been observed during conduct of the inquiry proceedings held against the appellant every opportunity was provided to him to defend the case, to cross-examine Bank’s witnesses and to produce witnesses on his own behalf. He was also provided copy of IA’s findings and given an opportunity to submit his argument/submission on such findings as requested by the appellant. Upon giving a careful consideration to the Appeal preferred by the appellant, my observation, findings & orders as under.

Being senior officer and particularly Branch Manager, it is compulsory on the part of the appellant to have full control of the branch but he put his negligent attitude towards branch functioning & administration and daily work of branch resulting in the situation wherein Mr. P.K. Chakrawarty took advantage and bank had to bear such huge loss and unrepairable damage.

The appellant did not submit control returns to Regional Office. Had such important monitoring reports been submitted in time, the misconducts could be detected much earlier but due to the acts of non submission of returns by the appellant, the situation has reached to such unrepairable damaged stage.

The appellant did not credit crop insurance claim amount in respective accounts and kept pending for more than three months which has not only tarnished the image of the bank but also reflects the attitude of the appellant the reasons best known to him.

I thus observed that every opportunity was



afforded to the appellant where he could not substantiate his stand in contradicting the charges leveled. Whatever points he has raised in the instant appeal is just repetition in nature and there is nothing new which can be taken as granted because all the matter are already dealt and substantiated on the basis of documents produced and adduced during the course of the departmental inquiry. I, therefore, find that the punishment inflicted by the Disciplinary Authority commensurate with the charges leveled as such I do not find any material evidence to interfere with the punishment inflicted by the Disciplinary Authority. Hence I upheld the punishment inflicted by the Disciplinary Authority as under:

“Compulsory Retirement under Regulation 4(h) of CBIOEs’(D&A) Regulation, 1976 as amended up to date.”

14. The aforesaid underlined portion of the reply of the petitioner to the findings of the inquiry report will leave nothing for speculation that the petitioner raised specific issues and had cited certain evidence but none of those were addressed to by the appellate authority as is clear from the reading of the entire appellate order. It is this aspect of the matter which will definitely make this Court to hold that the petitioner on account of non supply of the inquiry report was prejudiced when both before the disciplinary authority as well in view of the routine and mechanical order passed by the appellate authority.



15. Having thus found that the order of punishment in this case was passed in most perfunctory manner, this Court will have no option but to hold the order of punishment against the petitioner cannot be sustained and as such both the order of punishment of the disciplinary authority dated 08.10.2013/18.10.2013 as contained in Annexure-4 as also the order of appellate authority dated 04.11.2014 (Annexure-10) are hereby quashed.

16. As a result of quashing of the impugned order of punishment of compulsory retirement the petitioner shall be reinstated in service. The disciplinary proceeding against the petitioner shall now proceed from the stage of considering of the comment/reaction already furnished by the petitioner to such inquiry report as contained in Annexure-9 to this writ application dated 17.02.2014. The disciplinary authority therefore after also affording opportunity of personal hearing to the petitioner must pass a fresh order in the light of the



findings recorded by the inquiry officer as also comment/reaction to the inquiry report filed by the petitioner as early as possible but in no event later than four months from the date of receipt of this order. The disciplinary authority will of course be required to pass a reasoned order and if the petitioner becomes aggrieved out of it, he will again seek remedy of appeal as prescribed under the regulations.

17. Let it be made clear that the petitioner shall be entitled for payment of salary from today and till the date of passing of the fresh order by disciplinary authority but then the payment of arrears of salary for the period he had remained out of service on account of the impugned order of punishment passed by the disciplinary authority on 08.10.2013 and till 21.04.2015, shall abide by the result of the fresh order to be passed by the disciplinary authority.

18. Before parting with this Court must give benefit of doubt to the disciplinary authority if the

service regulation 1976 has not been amended as yet to incorporate the provision of supply of the copy of inquiry report to the delinquent but then at the same time this Court would direct the competent authority of the Bank to ensure that a provision in keeping with the judgment of the Apex court in the case of Karunakaran (supra) for supply of copy of inquiry report is incorporated so that in future officers and employees of the Bank are not prejudiced in the same manner as was faced by the petitioner in this case.

19. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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