

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8709 of 1999

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Surya Narayan Prasad S/o Late Deo Charan Prasad, Staff Armed Guard, Bank of India, Suriya Branch, Giridih, resident of village- Pandey Bigha PS Dhanarua District Patna Petitioner

Versus

1. The Z.M., Bank of India, North Zone, Bihar, Chankya Place, Birchand Patel Marg, Patna
2. The Regional Manager, Bank of India, Giridhi Region, Giridih
3. The Branch Manager, Bank of India, Suriya Branch, Giridih

.... Respondents

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Appearance :

For the Petitioner : Mr. Satish Kumar Agrawal, Advocate

For the Respondents: None

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 29-04-2015

This is an application seeking quashing of an order dated 20.10.1997 passed by the Disciplinary Authority, i.e., the Regional Manager, Giridih Region of the Bank of India whereby, he has imposed upon the petitioner the following punishments against five charges leveled against him:-

<u>S. N.</u>	<u>Charges</u>	<u>Findings of E.O</u>	<u>Proposed punishment</u>
01.	Charge No.1	Proved	Reduction of two lower stages in time scale under clause 21 IV (c) of 6 th Bipartite Settlement dated 14.02.1995.
02.	Charge No.2	Proved	Reduction of one lower stage in time scale under clause 21 IV (c) of 6 th Bipartite Settlement dated 14.02.1995.
03.	Charge No.3	Proved	Reduction of one lower stage in time scale under clause 21 IV (c) of 6 th Bipartite Settlement dated 14.02.1995.
04.	Charge No.4	Proved	Reduction of one lower stage in time scale under clause 21 IV (c) of 6 th Bipartite Settlement dated 14.02.1995.
05.	Charge No.5	Proved	Warning under clause 19.8(a) of the First Bipartite Settlement dated 19.10.1966.

The petitioner had preferred an appeal against the said order which has been dismissed by the Appellate Authority, i.e., the Zonal Manager, Bank of India, North Zone, Patna by the order dated 08.07.1998. The said order of the Appellate Authority is also under challenge.

Learned counsel for the petitioner has made a very short submission that under the 6th Bipartite settlement between the Bank and their workmen, maximum punishment of reduction of pay to two lower stages in time scale could be imposed against an employee under Clause 21 IV(c). He has submitted that for one misconduct, five charges came to be framed against the petitioner and the Disciplinary Authority wrongly, treating the charges to be separate, imposed separate punishment of reduction of two lower stages in time scale against charge No.1, reduction of one lower stage in time scale with respect to charge Nos. 2, 3, 4 and warning with respect to charge No.5. He has submitted that in course of disciplinary proceeding, the petitioner had very fairly submitted before the Disciplinary Authority that it was largely because of serious family problems, which he was passing through at the relevant point of time coupled with certain financial crisis that he had acted in a particular manner which constitutes misconduct and he had requested the Disciplinary Authority to take a lenient view.

From the order of the Disciplinary Authority, it appears

that petitioner had admitted the charges unconditionally. I have perused the charge memo, which has been brought on record by way of annexure-2 to the writ application. The charges basically relate to the petitioner's unauthorized absence for the period 15.01.1994 to 21.01.1994 and 20.10.1993. There are altogether five charges relating to his unauthorized absence. There is also a charge against him that he used filthy language against the Branch Manager while posted as Staff Arm Guard at the Bank's Suriya branch.

It is true that charge No.1 constitutes a gross misconduct and imposition of punishment, as noted above, cannot be said to be excessive. However, it also appears to me that since five charges leveled against him in the charge sheet dated 29.03.1996 are interrelated, separate punishments ought not to have been imposed upon the petitioner, the manner in which it has been done.

The order of the Disciplinary Authority dated 20.10.1997 and the order of the Appellate Authority dated 08.07.1998 are quashed. The matter is remitted back to the Disciplinary Authority to take a decision afresh only on the question of imposition of quantum of punishment.

In the facts and circumstances of the case, this writ application is allowed, with the observation as above.

(Chakradhari Sharan Singh, J)

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