

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7133 of 1999

=====

Dilip Kumar Diwakar

.... Petitioner

Versus

The Punjab National Bank & Ors

.... Respondent

=====

Appearance :

For the Petitioner :

For the Respondents : M/s Sharad Kr. Sinha & Amit Kr. Ananad

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 27-04-2015

No one appears on behalf of the petitioner. Learned counsel for the respondent-Bank is present.

This writ application has been filed seeking quashing of an order dated 23.11.1998 passed by the Deputy Zonal Manager, Punjab National Bank, Patna whereby punishment of “compulsory retirement” from service has been imposed upon the petitioner. The petitioner, at the relevant point of time, was functioning as Officer/ Accountant in the Punjab National Bank and was posted at Baretha branch of the Bank in the year 1993-95. He was placed under suspension on 10.09.1995 and charge sheet was issued on 16.12.1995 in connection with illegal disbursement of 43 crop loans and two cash credit limit on different dates, i.e., 10.08. 94, 13.08.94, 07.02.95, 10.04.95, 15.04.95, 22.05.95 and 23.05.95. It was alleged against the petitioner that he disbursed the loans in violation of set norms of the bank.

An Enquiry Officer was appointed. The petitioner submitted his written statement of defence on 02.02.1996, though he had demanded certain documents for preparation of his written statement of defence, which was not supplied to him. Since the explanation submitted by the petitioner was not found satisfactory



by the Disciplinary Authority, the disciplinary proceeding proceeded against the petitioner. It appears that petitioner, in course of the disciplinary proceeding also demanded certain documents and it is his plea that those documents were not supplied to him. Enquiry concluded on 24.04.1997 after the evidences were adduced before the Enquiry Officer. The Enquiry Officer gave the Presenting Officer and petitioner opportunity to submit their written briefs. The Presenting Officer submitted his written brief on 07.08.1997. Subsequently, on 21.08.1997 another Enquiry Officer was appointed who, on the basis of material on record of the departmental enquiry, submitted his report on 10.12.1998. He held the charge No.1 framed against the petitioner to have been proved. He, however, did not hold charge No.2 to have been proved. Charge No.3 was held to have been partially proved. Agreeing with finding of Enquiry Officer, in his said report dated 10.02.1998, the Disciplinary Authority imposed upon the petitioner punishment of “compulsory retirement”. The petitioner preferred appeal before the Appellate Authority against the order of the Disciplinary Authority, who dismissed the appeal by an order dated 19.06.1999 (annexure-2).

Learned counsel appearing on behalf of the Bank appears to be correct in his submission that punishment imposed upon the petitioner is commensurate with the nature of charges framed against him. He submits that there is no procedural lapse in holding the departmental proceeding, which would require this court to interfere with the order in a proceeding under Article 226 of the Constitution of India. He further submits that the petitioner was given ample opportunity to submit his written notes of defence. He was given opportunity to peruse and go through all

the documents on which the Bank intended to rely in support of the charges. He also submits that witnesses were examined in presence of the petitioner and he was given sufficient opportunity to cross- examine such witnesses. Learned counsel for the Bank submits that the findings of the Enquiry Officer are based on elaborate evaluation and assessment of the evidence adduced in course of enquiry and the order of the Disciplinary Authority is also detailed one, discussing the materials available on record. He, accordingly, submits that findings arrived at by the Enquiry Officer or the Disciplinary Authority cannot be said to be perverse, without any evidence or material. He further submits that the Appellate Authority also after due application of mind, on all the points taken by the petitioner in his memo of appeal, found no merit in the appeal. He, accordingly, submits that such decision of the Appellate Authority also does not require any interference by this court.

In view of rival pleadings in the writ application as well as submissions made by learned counsel for the Bank, as noted above, I find no merit in this writ application.

This writ application is, accordingly, dismissed.

In the facts and circumstances of the case, there shall be no order as to costs.

(Chakradhari Sharan Singh, J)

BKS/-

U			
---	--	--	--