IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15389 of 2001

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Rajendra Kumar Singh, S/o Late Ram Jatan Singh, resident of Road No.2, Yadav Nagar, P S – Sadar (Bhagwanpur), District - Muzaffarpur

.... Petitioner/s

Versus

1. Vaishali Kshetriya Gramin Bank, having its Head Office at Kalambag Road, Muzaffarpur through its Chairman.
2. The Chairman-cum-Disciplinary Authority, Vaishali Kshetriya Gramin Bank, Kalambag Road, Muzaffarpur.
3. The Board of Directors, Vaishali Kshetriya Gramin Bank, Kalambagh Road, Muzaffarpur.
4. Shri D N Verma, Area Manager cum Enquiry Officer, Area Office, Vaishali Kshetriya Gramin Bank.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chakrapani
Mr. Madhuresh Singh

For the Respondent/s : Mr. AJAY KUMAR SINHA

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-06-2015

Petitioner was a Manager, who was working as an Assistant Manager, posted at Mahanth Maniari Branch of Vaishali Kshetriya Gramin Bank, as known then. His conduct and working came under the gage of the management of the bank, which necessitated his suspension first vide order contained in Annexure-1 dated 29/12/1998 and thereafter initiation of departmental proceeding for the set of charges, which are Annexure-2 to the writ application.

2. The charge-sheet relates to 4 charges. All the four charges have underlying allegation of receiving money on behalf of the bank and not depositing it with the bank for a long period of time

and therefore, misutilizing the amount as well as not depositing truthfully the amount received by him in the account of the account holders as well. One of the charges also relates to creation of a fake demand loan of Rs. 15,000/-, which is alleged to have been misutilised by him for his personal gain etc. etc.

3. Departmental enquiry was conducted. Enquiry report is Annexure-5. Finding of guilt was there and all the charges except charge no.3 stand proved. The Disciplinary Authority and the Management therefore decided to remove the petitioner from service but such removal would not be a disqualification for future employment. The order of the disciplinary authority is Annexure-7 dated 4.9.1999. Petitioner went in appeal, which was not decided for a long time. A writ was filed seeking direction for disposal of the appeal and after the order contained in Annexure-10 was passed by a learned single Judge, Anneuxre-11 was issued by the appellate authority. This order (Annexure-11) is dated 30/8/2001. Petitioner, therefore, is seeking quashing of Annexure-7 and Annexure-11.

4. During the course of hearing, counsel for the petitioner passes a piece of document for perusal by the Bench. This is not a part and parcel of the pleadings and is not on record.

5. The reason for the petitioner to bring this piece of document to the knowledge of the Bench is with the object of creating

an impression that it was not a case of embezzlement or misutilisaton of fund. This was his way of working to generate recovery for the bank which was in a bad shape. His explanation was that he adopted a similar tactics as a Revenue Karamchari of the State of Bihar.

6. There are two things. One that such a document cannot be considered if it was not part and parcel of the pleadings and cannot be accepted unilaterally now when writ application was admitted in the year 2003. Petitioner had all the time to supplement and bring this evidence on record.

7. Even otherwise, the explanation offered by the petitioner is of no avail in face of the finding which has emerged in course of enquiry and the report of the enquiry officer.

8. There does not seem to be serious denial of the charges. Counsel for the petitioner tried to pass off the indiscretion of the petitioner that these are very-very small amounts which were at stake. If he was dishonest to the core, may be some large financial transactions would have come to the fore. Question is not of quantity. Question is of the intent. Any employee of a bank, who is in fiduciary relationship, is required to maintain utmost honesty and commitment to the organization in relation to financial transactions. The omissions of the petitioner are one to many and the indiscretion staggered over a period of time. All the charges, except charge No.3, which stand

proved do not paint the petitioner in good light with regard to his honesty and commitment towards the organization. If he cannot handle the meagre amount honestly on behalf of the bank, I wonder how he would have dealt with the huge amount on behalf of the organization.

9. There is not much argument with regard to the findings or the legality of the proceeding as such. The least the banker could do was to oust him from the organization. Though the charges being such the punishment could have been more harsh.

10. In view of the same the punishment of removal from service without incurring disqualification for future employment is a befitting punishment in the given facts of the case. The Court is not enthused, therefore, to interfere with the decision.

11. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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