

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6813 of 2000

Manoranjan Sahay, son of late Ram Nandan Sahay, resident of "Sri Rama Niketan", Prithivi Raj Path, Kadamkuan, Patna – 800 003, presently posted as Branch Manager, Nalanda Gramin Bank, Barhauna branch and residing at Village Barhauna, at & P.O. – Barhauna, Via – Chandi, District - Nalanda

.... Petitioner/s

Versus

1. The Nalanda Gramin Bank through the Chairman, Nalanda Gramin Bank, Biharsharif, District – Nalanda
2. The Chairman, Nalanda Gramin Bank, Biharsharif, Nalanda
3. The Manager (Personnel), Nalanda Gramin Bank, Biharsharif, Nalanda

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. S.R.SHARAN

For the Respondent/s : Mr. R. R. Upadhyay

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-05-2015

19.05.2015

Heard learned counsel for the petitioner and counsel for the respondent-bank.

Petitioner has assailed the order of punishment passed against him which is withholding of one increment. The appellate authority has also upheld the said punishment. The two respective orders, whose quashing the petitioner is seeking, is Annexure-8, dated 03.06.1997 and Annexure-20, dated 25.06.1999.

A set of charges came to be drawn up against the petitioner. Details of the charges would be evident even from perusal of Annexure-6. All these charges primarily relate to the manner in which loans had been disbursed and the manner in which the petitioner failed to

protect the interest of the bank by completing the legal formalities of having a guarantor against those loans.

Yet another charge was with regard to yet another collateral land possession certificate on loans given to two persons when those lands did not belong to the loanees and had already been sold many a times to other purchasers.

In one loan the signature of guarantor is there but the details in the said form were not filled up thereby it could not be established as to who the guarantor was.

Another charge was failure on his part to sale the milk because these loans were extended to various milk producing societies of Belchi.

The enquiry officer conducted the enquiry and found the petitioner guilty with regard to charge nos. 1, 2 and 3. Charge No. 4 was not established. On the basis of those findings, the disciplinary authority decided to punish the petitioner by withholding one increment. The appeal also got rejected, so the writ application.

Submission of the counsel for the petitioner is that he demanded a detailed list of documents from the bank, which is evident from Annexure-4, but the same was not given to him which created serious prejudice in putting up his defence. The documents the petitioner demanded



for production was not produced by the presenting officer and whatever was produced by the presenting officer was accepted as evidence. This has led to serious consequences for the petitioner.

So far as the documents are concerned, looking at the detailed list, contained in Annexure-4, opportunity was provided to the petitioner to examine those documents and also see things for himself. Since the demand made by the petitioner was so exhaustive and extensive and how it related to the set of charges is not evident from reading of Annexure-4. Most of the times, such demands are made more with the object of derailing the proceeding than assisting in proper conduct and defence in the enquiry.

In the counter affidavit filed on behalf of the bank, there is very specific assertion in paragraph 11, where the bank has stated that copies of all the documents were given to the petitioner and receipt of which was acknowledged by the petitioner in the enquiry. They have volunteered to even tender evidence thereof. In other words, the plea of the petitioner of non furnishing of documents used in the enquiry or its non-production is only a plea and not borne out from the actual state of affairs.

An impression was also sought to be given that there was an order of reduction of scale of pay which is a



very serious kind of punishment against the petitioner. But the bank has very clearly stated that the order of punishment is only withholding of one increment which was the least of punishment imposed against the petitioner. Omissions are there, findings with regard to such omissions are there, but probably, the bank decided not to take serious action against the petitioner, because such omissions were not out of malice or for extraneous consideration. The object of withholding one increment was only to ensure proper functioning by the petitioner, because he was the Branch Manager and he cannot be allowed to function in such manner, especially with regard to disbursement of loans without protecting the financial interest of the bank.

Court has gone through the enquiry report as well as the defence and explanation offered by the petitioner. The Court is not satisfied that it is a case of no-evidence or no culpability of the petitioner as such. The punishment being what it is, the Court refuses to interfere with the same.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J.)

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