

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.112 of 2002

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Harendra Kumar Sinha son of Late Harihar Prasad, resident of village Bardaha,
Police Station Ghailar, District Madhepura

.... Petitioner/s

Versus

1. Koshi Kshetriya Gramin Bank through its Chairman, Head Office at Purnea, Police Station and District Purnea
2. The General Manager, Koshi Kshetriya Gramin Bank, Head Office, Purnea, P.S. & District Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Prakash

For the Respondent/s : Mr. Ajay Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-04-2015

The charge of misappropriation and fraud committed by the petitioner while working as Clerk- cum- Cashier but officiating as a Branch Manager Incharge has been established in the enquiry. Petitioner taking advantage of the temporary officiation of the Branch misappropriated to the tune of Rs.5,00,000/- by two transactions. Enquiry led to passing of the order of dismissal from service and order of affirmance by the appellate authority.

Counsel for the petitioner tried to make a case that he did not get a fair opportunity in the enquiry but those submissions are generality of submissions and nothing specific which can lead to a conclusion that the enquiry was not conducted in a fair and equitable manner can be established.



The Court has gone through the enquiry report, which is based on documents where evidence has been dealt in detail before coming to the conclusion regarding guilt of the petitioner. It was in this circumstance and rightly taking a view that a bank employee cannot be allowed to defraud the organization as well as misappropriate money of the Bank while officiating as Incharge Branch Manager. The highest order of honesty and commitment to the institution is expected out of a banker. Therefore, the punishment of dismissal was very much warranted and cannot even be a case of the punishment being disproportionate to the conduct.

As a desperate measure, counsel for the petitioner in the alternative submits that Annexure- 6 is a cryptic order which does not show any application of mind by the appellate authority. The submission sounded attractive on the face of reading of Annexure- 6. However, learned counsel representing the Bank has drawn the attention of the Court on their assertions and statements in the counter affidavit that this is only an extract of the decision taken by the Board for the purposes of communication. The detail extract of proceeding of the 128th meeting of the Board of Directors, who sat in appeal, provide the reasons. The explanation and the show cause coupled with the evidence emerging in the enquiry was considered. The explanation not being cogent and valid even the Board of

Directors decided not to interfere with the punishment of dismissal.

In the given facts and circumstances of the case and with overbearing evidence, the least punishment warranted was dismissal of a dishonest employee, who was not truthful to the organization and had misused his position and the fiduciary relationship.

No interference is warranted with the impugned orders as this Court does not find any infirmity in the two decisions.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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