

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (S) No. 6723 of 2007

Uma Shankar Gupta S/o Shri Manikchand Gupta, aged about 54 years, R/o
 Near Tiwari Building, Ambikapur, Surguja Chattisgarh.

---- **Petitioner**

Versus

1. Board of Directors, through: Its President, Surguja Kshetriya Gramin Bank
 Pradhan Karyalaya Mahamaya Chowk, Ambikapur, Surguja, Chhattisgarh.
2. Chief Manager, Surguja Kshetriya Gramin Bank, Pradhan Karyalaya,
 Mahamaya Chowk, Ambikapur, Surguja, Chhattisgarh.
3. President & Disciplinary Officer, Surguja Kshetriya Gramin Bank, Pradhan
 Karyalaya, Mahamaya Chowk, Ambikapur, Surguja, Chhattisgarh.
4. Investigating Officer, Surguja Kshetriya Gramin Bank, Pradhan Karyalaya,
 Mahamaya Chowk, Ambikapur, Surguja, Chhattisgarh.

---- **Respondents**

For Appellants	: Shri Manoj Paranjpe, Advocate.
For Respondents	: None.

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

14/12/2015

1. Heard Learned Counsel for the Petitioner.
2. The Petitioner working as Branch Manager, Surguja Kshetriya Gramin Bank,
 was charge-sheeted on 20.4.2001 with allegations of financial impropriety for
 various amounts. After completion of departmental enquiry, the charges were
 found to be proved. The Petitioner was then dismissed from service on 20.7.2004.
 He preferred an appeal on 17.9.2004 which has been rejected on 14.12.2006.
3. Learned Counsel for the Petitioner submitted that the findings of guilt against
 the Petitioner were not sustainable. There was an error in entries which were
 rectified the next day. The punishment of dismissal was too harsh and

disproportionate which has not been considered and the appeal has been rejected by a non-speaking order.

4. Having considered the submissions, the jurisdiction of this Court under Article 226 of the Constitution of judicial review over an order of punishment passed in a departmental proceedings is primarily confined to errors in the decision making process. There can be no re-appreciation of evidence to arrive at a different finding to the satisfaction of the Court. The charges have been found proved in departmental proceedings. It is evident from the appeal that the only ground taken was that the punishment was harsh and would affect his family. There was no whisper or suggestion with regard to any procedural irregularity in the conduct of the departmental enquiry causing prejudice to the Petitioner.

5. The Petitioner held the post of Branch Manager in a fiduciary capacity of trust with regard to the money belonging to the public kept in a Bank. The Court does not find the punishment to be disproportionate much less shocking to the conscience of the Court in view of his fiduciary status warranting interference with the quantum of punishment which is otherwise the exclusive prerogative of the employer.

6. The writ petition is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE