

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 18794 of 2013(O&M)

Date of decision : 06.05.2015

Amarjit Singh Bal

..... Petitioner

versus

Punjab National Bank and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. H.C.Arora, Advocate for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J.(Oral)

The petitioner had challenged the order of dismissal passed by the Disciplinary Authority and further dismissal of his appeal. The petitioner, who was a bank officer, was chargesheeted for having defalcated amount from the accounts of various shareholders by illegally diverting them. These charge were duly proved in the inquiry. On 27.08.2013 the following order was passed:-

“Learned counsel seeks an adjournment to place on record materials to substantiate the argument that there was no dishonesty and misappropriation on the part of the petitioner.

Adjourned sine die.

To be listed as and when an application is moved in this regard.”

Thereafter now by CM No. 5441 of 2015 it was submitted that the petitioner had no material in support of the prayer made on that date and consequently it was prayed that the petition be heard as it is. Today learned counsel has fairly accepted that he is not in a position to challenge the finding of defalcation. His only argument is that the petitioner has put in about 27 years of service and this fact has not been considered at all by the Disciplinary Authority or by the Appellate Authority. He has prayed that some lesser punishment be inflicted upon the petitioner since his previous service record is clean.

I am afraid this argument would not apply to the present case. The standard of honesty and probity required from a bank officer is extremely high. If bank officers themselves start defalcating the accounts of customers it would erode the commercial backbone of the country. In Union of India and another vs S.S.Ahluwalia, 2007(7) SCC 257, the Hon'ble Supreme Court held as follows :-

“.... The scope of judicial review in the matter of imposition of penalty, as a result of disciplinary proceedings, is very limited. The Court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved. In such a case, the Court is to remit the matter to the disciplinary authority for reconsideration of the punishment. In an appropriate case, in order to avoid delay the court can itself impose lesser penalty.....”

In view of the above judicial pronouncement I do not think that the punishment imposed is shockingly disproportionate to the charges found to be proved against the present petitioner. The petition is dismissed.

Since the main case has been decided, the Civil Misc.

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Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 06, 2015
sunita