

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

**CWP No.3870 of 2015
Date of Decision : 04.03.2015**

Ravi Dutt Sharma

.... Petitioner

Vs.

Chairman-cum-Appellate Authority, Gurgaon Gramin Bank & ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Om Pal Sharma, Advocate
for the petitioner.

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

Ajay Tewari, J.(Oral)

This petition has been filed against the dismissal order of the petitioner.

The petitioner was appointed on 10.03.2010 as Office Assistant/Clerk-cum-Cashier. In the branches where he was working his father's and grand-father's accounts were being maintained. Large-scale diversion of funds were found to the accounts of his father and grand-father and the amounts were subsequently withdrawn but corresponding debit entries were not made to the said accounts. It was in these circumstances that during probation he was charge-sheeted and regular inquiry was ordered. The evidence was primarily documentary (wrong entries having been made in the accounts of father and grand-father of the petitioner and wrong debit entries of the money therefrom). After regular inquiry, he was

found guilty of having misappropriated of Rs.15 lakh odd from the bank and was dismissed. His appeal also having been dismissed he is before this Court.

The first argument raised by learned counsel for the petitioner is that though the Management's representative was a law officer, he was not allowed to take assistance of the legal practitioner. In this connection, the following proceedings took place on 17.07.2012:-

“ *E.O.*

At this stage the CSE has made submission that as the MR, is a person trained in law and appointed as a Law Officer in the Bank so I may be permitted to engage a legal practitioner as DR to defend my case.

CSE

As per prevailing norms of the Bank the CSE is permitted to engage any employee of the Bank as his DR with legal background but any outside person who is a legal practitioner is not permitted to be engaged as his DR.”

In the circumstances this argument is rejected.

The second argument of the learned counsel for the petitioner is that certain documents were not handed over to him. In this connection, the proceedings of the same date reveal that the petitioner wanted translated copies of all the documents which were refused on the ground that he was fully conversant with the English language. No fault can be found with this order also.

The third argument is that he was acquitted in the criminal court. This argument is also meritless as has been held in the catena of judgments. Since the issue is not whether he was acquitted by the criminal court but whether there was evidence in the inquiry. Having gone through the inquiry proceedings and the conduct of the petitioner to not file reply to the inquiry report and after applying the judicially accepted parameters of natural justice, the findings against the petitioner are justified on merits.

Consequently, the petition is dismissed.

March 04, 2015

Pooja Sharma-I

(AJAY TEWARI)
JUDGE