

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

LPA No. 1387 of 2015 (O&M)

DATE OF DECISION : 16.11.2015

R.K. Tyagi

.... APPELLANT

Versus

The Chairman-cum-Managing Director, Punjab National Bank and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. Baldev Singh, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 28.03.2011 passed by the learned Single Judge, whereby the writ petition (CWP No. 21022 of 2008) filed by the appellant challenging the order of his removal from service has been dismissed.

On the basis of a charge sheet served upon the appellant, after holding a due enquiry wherein the appellant was found guilty of alleged misconduct, the appellant was removed from service on 18.10.2007 with stipulation that it was not to be treated as a disqualification for future employment. The appeal filed by the appellant against the said order was dismissed on 11.02.2008. The appellant questioned the order of his removal

from service by filing the writ petition (CWP No. 21022 of 2008). He restricted his prayer only qua quantum of punishment. Vide the impugned order, the learned Single Judge came to the conclusion that in the facts and circumstances of the case, punishment of removal from service cannot be said to be harsh or disproportionate to the guilt of the appellant. In this regard, the learned Single Judge made the following observations :-

“In my view the punishment imposed on the petitioner can not be said to be disproportionate or otherwise harsh, considering the nature of allegations made against him. Nothing is canvassed before me to point out that some valid considerations were ignored or something which could not be considered has been so considered, while imposing punishment. Simply because some person was given a different punishment would not make the punishment look disproportionate or harsh. Bhupinder Singh had obviously a different role to perform at pre-sanction stage of loan. The petitioner, being Manager, was responsible to sanction the loan. He was responsible to see that all documents were complete. He was the loan sanctioning officer. If he is accused of sanctioning loan without there being any valid documents, his responsibility certainly is much more as compared to any Clerk, Peon or other officer, who may have recommended the loan. It was the responsibility of the petitioner to examine the complete record and then sanction the loan. Moreover, it is not a simple case of negligence. It is a case of criminal conspiracy. It is not denied that prosecution of the petitioner is also in progress on the basis of the complaint made against him.

Certainly, this punishment does not appear to be harsh or disproportionate in any manner, which would require any interference by this Court. Rather, the punishment appears to be erring on lesser side.”

Now, after more than four and half years of the passing of the impugned order, the appellant has filed the instant Letters Patent Appeal along with an application (CM No. 2967-LPA of 2015) for condoning the delay of 1548 days. We have gone through the contents of the application. No sufficient or reasonable ground explaining the long delay in filing the instant appeal has been given.

After hearing learned counsel for the appellant and going through the impugned order as well as the contents of the application for condonation of delay in filing the appeal, we are of the opinion that the appellant has no case either for condoning the delay or on merits.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

November 16, 2015
ndj

(SHEKHER DHAWAN)
JUDGE