

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA No.4889 of 2012

Date of Decision:-05.02.2015

Tervinder Singh.

.....Appellant.

Versus

The Punjab State Cooperative Agri. Development Bank Ltd. Chd.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. A.S. Khaira, Advocate for the appellant.

Mr. D.S. Brar, Advocate for the respondent.

JASWANT SINGH, J.(ORAL)

Plaintiff is in second appeal aggrieved against the concurrent findings returned by the courts below whereby his suit for declaration with consequential relief of release of increments alongwith interest has been dismissed by the learned Civil Judge(Jr. Divn.), Chandigarh vide its judgment and decree dated 15.02.2008 and the findings thereof were affirmed by learned Additional District Judge, Chandigarh vide its judgment and decree dated 25.07.2012.

At the time of issuance of notice of motion on 21.01.2013 learned Counsel for the appellant has limited his arguments regarding the gravity of punishment only because as per him the punishment does not commensurate the allegations levelled against him.

Learned Counsel for the appellant in furtherance of his

arguments as noticed at the time of issuance of notice of motion has pleaded that no loss has been caused to the bank and, therefore, punishment awarded to him is not justified.

On the other hand learned Counsel for the respondent-bank has argued that both the Courts below have rightly appreciated the evidence to come to a conclusion that the punishment order passed by the bank commensurate with the gravity of offence committed by him.

After hearing learned Counsel for the parties and perusing the paper book, this Court is of the considered view that the present appeal is devoid of any merit and the same deserves to be dismissed.

Admittedly the plaintiff was working as Field Officer with the defendant/respondent-bank. He was charge sheeted to the effect that as per loan policy and instructions of the bank, every field officer was required to check cent percent utilization of the loan advanced to the loanee members on his recommendations. A loan of Rs.7.66 lac in 21 case disbursed on the recommendations of the plaintiff was found to have been misutilized. The plaintiff/appellant was found to have actively connived with the loanees to raise fictitious loans from the primary bank leading to financial loss to the bank. Accordingly, the plaintiff/appellant was charge sheeted to which he replied which was found to be unsatisfactory and ultimately it led to the passing of the impugned orders whereby his two annual increments were stopped with cumulative effect.

Admittedly after enquiry, the enquiry officer gave his report Ex.PW-1/2 from which it is clear that plaintiff was given an opportunity to cross examine the department witness Gurnam Singh(Assistant Manager).

The plaintiff/appellant gave his statement which was duly considered by the

enquiry officer who gave his report to the plaintiff and this report has not been denied by the plaintiff/appellant. It is further not denied by the appellant/plaintiff being the field officer that it was not his duty to recommend the loans and to see that the loans were utilized for the purpose for which the same had been allowed. It is by now settled position of law that a civil court will not go into the merits of the case and would only see that the procedure prescribed under relevant rules has been followed by the department while awarding the punishment. In the present case, it is apparent that the rules were properly followed by the respondent-bank by giving him full opportunity to explain himself. However, the enquiry officer found that the appellant/plaintiff was indeed at fault which consequently led into passing the impugned orders. The argument of the counsel that no loss has been caused to the bank, therefore, the punishment awarded is not justified is completely devoid of any merit because the employee who is committing fraud with his employer has to be taught a lesson which is not only a deterrent for him for future but also a deterrent to the co-workers and such precedents are required for efficient functioning of a office.

In view of the above finding no question of law much less substantial question of law arising for determination in the present second appeal, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 05, 2015
Vinay