

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.3668 OF 2006

ORDER:

The petitioner prays for the following relief:

“..to issue any writ, order or direction particularly one in the nature of Mandamus declaring all the proceedings leading up to and including the decision of the Appellate Authority communicated under Lr.No.VDP/188, Dated 20-12-2005 of the 2nd respondent as arbitrary, illegal and by nullifying the same direct extension of all the benefits that have been withheld including promotion ..”

Heard learned counsel appearing for the parties.

The averments made in the writ affidavit are as follows:

While petitioner working as Field Assistant at Bhadragiri Branch, during 1981, was placed under suspension on 22.10.1982 and was served with a charge sheet through Lr.No.Con/DP/4/83, dated 21.02.1983 for the following charges:

- “(1) While you were working as Field Supervisor in our G.Agraharam Branch, it is reported that
- (a) You have arranged several benami loans in order to benefit one Sri D.Papi Naidu, the then Sarpanch of Chintada Village a close associate of yours.
 - (b) Although you were aware that the transaction of sale and purchase of the animals did not take place you had disbursed the loan amounts to the borrowers and obtained shandy receipts for Bank's record.
 - (c) On 29.5-1981 you had canvassed for Sri D.Papi Naidu who contested the Chintada Village Panchayat elections.
 - (d) You had allowed one Sri Brahmaji a close associate of Shri Papi Naidu of Chintada Village to attend to the work of documentation, processing of loan applications and for purpose of animals in shandies.

It is therefore alleged that your above acts are detrimental to the interests of the Bank vide Regulation 19 of Sri Visakha Grameena Bank Staff Service Regulations 1980."

It is also alleged by respondents that shandy receipts have been altered subsequent to their attestation by the shandy committee.

The petitioner gave an explanation dated 08.03.1983 denying the charges leveled against him. For the same set of charges, the respondent Bank filed criminal case in ACC No.8 of 1983 before Sub Divisional Magistrate, Parvathipuram, against the petitioner and the same was dismissed acquitting the petitioner from charges under Sections 468, 420 and 400 IPC. In spite of acquittal in criminal case, respondent Bank had initiated departmental enquiry, however, the Enquiry Officer found charges were not proved except II(3). Disagreeing with the findings of the Enquiry Officer, the disciplinary authority imposed punishment of stoppage of two increments with cumulative effect through proceedings dated 25.09.1993. Against the imposition of punishment, petitioner filed appeal before the 2nd respondent Board and the 2nd respondent Board had confirmed the proceedings dated 25.09.1993, however, the punishment was reduced to stoppage of one increment with cumulative effect. Aggrieved by the order in appeal, the petitioner filed writ petition No.16830 of 1994 and this Court set aside the orders of 2nd respondent holding that disciplinary authority had not issued notice to the petitioner while differing with the report of Enquiry Officer.

Thereafter, the disciplinary authority issued notice dated 10.12.2004 to the petitioner directing him to submit explanation why the disciplinary authority should not disagree with the findings of Enquiry Officer and accordingly, petitioner gave explanation. The disciplinary authority issued another notice dated 11.03.2005 to show cause as to why punishment of stoppage of one increment should not be imposed on petitioner and the petitioner gave explanation to that effect. However through proceedings dated 15.04.2005, the disciplinary authority imposed punishment of stoppage of one increment with cumulative effect. Aggrieved thereby, the petitioner preferred appeal before the 2nd respondent Board and the same was rejected.

I have perused the material available on record and the findings recorded by the disciplinary authority and the 2nd respondent Board. The 2nd respondent by taking a lenient view has reduced the punishment from stoppage of two increments with cumulative effect to one increment with cumulative effect. Further, the disciplinary authority/ respondent bank has followed the due process of law pursuant to the order in W.P. No.16830 of 1994. Therefore, I do not see any reason to interfere with the order impugned in the writ petition and the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:18.08.2016
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