

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15193 of 2014

=====

Satish Chandra Roy s/o Late Baccha Roy, r/o village + P.O.- Bhirha, Police Station-
Rosara, District- Samastipur

.... Petitioner/s

Versus

1. The Central Bank of India through its Chairman,
2. Regional Manager, Central Bank of India, Regional Office, Alalpatti,
Darbhanga- 846003
3. Administrative Officer, Central Bank of India, Regional Office, Alalpatti,
Darbhanga- 846003
4. Appellate Authority/Assistant General Manager, Central Bank of India, Zonal
Office, Muzaffarpur
5. Branch Manager, Central Bank of India, Bhirha Branch, at Village & P.O.-
Bhirha, Police Station- Rosara, District- Samastipur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : M/s Sanjay Singh, Praveen Kr & Ajay
Kumar Tiwary, Advocates

For the Respondent/s : Mr Ajay Kumar Sinha, Advocate

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-12-2017

Heard counsel for the petitioner and counsel for the
Bank.

2 The essence of the submission made on behalf of the
petitioner is that one Mr P C Gupta was also proceeded against for
substantially similar charges as have been leveled against the
petitioner. The substance of the charges was of sharing their user ID
and password with an outsider of the Bank, namely, Mr Mukesh
Kumar Rai, who was at that point of time temporarily discharging the
responsibility of some computerization work, which led to fraudulent



transaction. The Bank alleged complicity of the petitioner as also the said Mr P C Gupta. He submits that subsequently the said Mukesh Kumar Rai had owned up the responsibility and made good whatever financial loss had been occasioned to the Bank. The counsel draws attention of the Court towards the order passed by the disciplinary authority in the case of Mr P C Gupta wherein the disciplinary authority has inflicted the punishment of “dismissed without notice” vide order dated 09.10.2009, the petitioner, vide order of the same date, has been awarded the punishment :

“Removed from service with superannuation benefits i e Pension and or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment.”

3 He submits that though the disciplinary authority had considered the case of the said P C Gupta for award of harsher punishment, the appellate authority vide order dated 03.02.2011 had lowered the punishment inflicted by the disciplinary authority and reduced it :

“Be brought down the lower stages in the time scale of pay up to two stages till the superannuation of CSE i e 30.06.2023 under clause 6 (e) of Memorandum and Settlement of Workmen; Disciplinary Action Procedure dated 10.04.2002.”

4 He submits that though the disciplinary authority had



recommended lighter punishment upon the petitioner, but in case of petitioner, the appellate authority, vide order dated 23rd of March 2011, has not lowered the punishment awarded by the disciplinary authority resulting in graver punishment than what was awarded to Mr P C Gupta. He alleges disparity in award of punishment.

5 Submission is that the authorities, while considering the appeal, had not maintained parity in respect of the two petitioners even though the charges against them were similar but the petitioner was given graver punishment.

6 The law in this regard has been placed by the counsel for the Bank in the case of *Lucknow Kshetriya Gramin Bank (now Allahabad, Uttar Pradesh Gramin Bank) and Another –Versus- Rajendra Singh, (2013) 12 Supreme Court Cases 372*. The Apex Court has discussed and summed up the law in this regard as to how, when two employees are proceeded against in respect of similar/identical charges, are to be considered for award of punishment. This aspect of the matter has not been raised before the appellate authority even though the order of the appellate authority in the case of Mr P C Gupta had been passed by the disciplinary authority on 03.02.2011 whereas the petitioner's case had been considered by the appellate authority in March, 2011.

7 Since the parity or disparity of charges and other



issues can well be considered by the appellate authority, the petitioner would be at liberty to make a representation before the appellate authority for reconsideration of the punishment awarded to him at the appellate stage in the light of the admitted legal position as discussed in the said judgment of the Apex Court.

8 If the petitioner submits his representation within a period of four weeks from today, the same may be considered by the disciplinary authority within a period of eight weeks thereafter and the same be disposed of by a considered and reasoned order in accordance with law.

9 This writ application is disposed of in the aforesaid terms.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2017
Transmission Date	NA

