

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4074 of 2009

=====

Rajendra Tiwari S/o Late Bhuneshawar Tiwari, presently posted as peon at Karamnasha in Madhya Bihar Gramin Bank, Karamnasha, Kaimur, R/O Vill- Thori Pandeypur PS+PO Murar District Buxar. Petitioner/s

Versus

1. The Sr. Manager, Main Branch, Bhojpur Rohtas Gramin Bank, Ara
 2. The President-cum-competent authority, department proceeding, Bhojpur Rohtas Gramin Bank, Main Branch, Ara
 3. The Administrative Authority-cum-President, Personnel and Training Department, Bhojpur Rohtas Gramin Bank, Main Branch, Ara
 4. The Branch Manager, Bhojpur Rohtas Gramin Bank, Basahi Branch, District Rohtas
 5. Madhya Bihar Gramin Bank through its Chairman, Head Office, Patna
- Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate

For the Respondent/s : Mr. Prashant Vedasan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 10-02-2017

Heard Shri Rajiv Ranjan Kumar Pandey, the learned counsel for the petitioner, and Shri Prashant Vedasan, the learned counsel for the Madhya Bihar Gramin Bank.

2. The petitioner has filed this writ petition to quash the order dated 04.12.1999, as contained in memo No. 913, by which two increments of the petitioner, with cumulative effect, has been stopped. The petitioner also prayed to quash the order, as contained in letter No. 2837B dated 15.10.2001, by which the appeal of the petitioner was dismissed confirming order of the Disciplinary Authority, as contained in Annexure-9,

3. The petitioner was departmentally proceeded vide order dated 29.10.1991 on the allegation that he along with one Sri Narayan



Das, Branch Manager of Basahi branch of Bhojpur Rohtas Gramin Bank, paid less amount to the loanees after withdrawing first installment from the loan accounts.

4. The petitioner filed his show cause and thereafter the enquiry conducting officer, after holding the enquiry, submitted report finding that the charge has not been proved against the petitioner. The Disciplinary Authority issued second show cause notice to the petitioner, giving point of difference with the finding of enquiry officer. The petitioner also filed his reply to the second show cause notice and thereafter the Disciplinary Authority inflicted punishment withholding two increments of the petitioner with cumulative effect. The petitioner filed appeal on 11.01.2000 but the appeal was also dismissed by competent authority of the Bank on 15.10.2001.

5. The learned counsel for the petitioner submits that the enquiry conducting officer did not find the charge proved against the petitioner but the Disciplinary Authority issued second show cause notice to the petitioner in which he gave the point of difference. Thereafter, the Disciplinary Authority inflicted major punishment withholding two increments with cumulative effect without any evidence. Out of 11 witnesses cited in the departmental enquiry one Jai Shanker Singh was examined and relying on his evidence the punishment was inflicted. It is further submitted that petitioner is a Peon in the bank and he has no concern with monetary business of the



Bank.

6. After hearing both sides and on going through the records, I find that the Disciplinary Authority has considered the evidence on record and came to the conclusion that Jai Shanker Singh, who was examined during the course of enquiry, has very categorically stated that petitioner took money from the loanee outside the Bank.

In the departmental proceeding this court, in writ jurisdiction, cannot look into the findings of the Disciplinary Authority on account of insufficiency of evidence or re-appraise the evidence afresh. From a perusal of the order of the Disciplinary Authority, it appears that the Disciplinary Authority has considered the evidence and show cause reply of the petitioner and only thereafter passed the punishment order and no illegality appears on the face of the record. Besides that, the petitioner has moved this court after eight years of the order passed by the Appellate Authority.

7. Considering the facts aforesaid, I do not find any merit in this writ petition. The writ petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.02.2017
Transmission Date	N.A.

