

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1854 of 2016
IN
Civil Writ Jurisdiction Case No. 352 of 2013**

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Birendra Kumar Singh, Son of Late Indra Deo Singh, resident of Adarsh Nagar,
Opposite Chakbandi Office, Near Pirbaba, Mahadeva Road, P.O.- Siwan, P.S.-
Siwan, District- Siwan.

.... Petitioner- Appellant/s

Versus

1. The Central Bank of India, through its Chairman-cum-Managing Director,
Central Office, Chandermukhi, Nariman Point, Mumbai- 400001.
2. The Chairman-cum-Managing Director, Central Office, Chandermukhi,
Nariman Point, Mumbai- 400001.
3. The Zonal Manager-cum-Deputy General Manager-cum-Appellate Authority,
Central Bank of India, Zonal Office, Pawapuri Vihar, N.H. 28, Bhagwanpur,
Muzaffarpur.
4. The Regional Manager-cum-Disciplinary Authority, Central Bank of India,
Near Head Post Office, Siwan.
5. Sri B.K. De. Presently posted as Deputy General Manager, Recovery
Department, Central Bank of India, Central Office, Chandermukhi, Nariman
Point, Mumbai- 400001.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhrub Mukherjee, Senior Advocate
Mr. Arup Kumar Chongdar, Advocate
For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-05-2017

Seeking exception to an order dated 04.08.2016 passed by
the learned Writ Court in Civil Writ Jurisdiction Case No.352 of 2013;
this appeal has been filed under clause 10 of the Letters Patent.

Petitioner was working as a Cashier in the establishment of
the Central Bank of India vide order dated 22.02.2011. Based on
proved misconduct, on the basis of a departmental enquiry conducted,
he was dismissed from service. Petitioner was posted in the Central



Bank of India, Branch Office, Siwan and a charge-sheet was issued to him imputing two misconducts against him. The first charge against him was that he had not handed over the second set of cash key to the Special Assistant, namely Prashant Priyadarshi. It was found that this charge was not properly proved; therefore, finding with regard to this charge was not proper. It was held that the conclusion to this charge is contrary to the evidence on record.

However, the second charge was that the petitioner as a Head Cashier, in the absence of the Branch Manager, who was exclusively authorized to disburse the loan, on the dates on which the Branch Manager was on leave, disbursed loan to the various persons and thereby exposing the Bank to financial loss of liability. Finding with regard to this charge was proved, rejecting the claim of the petitioner to say that no financial loss was caused to the Bank and, therefore, punishment of dismissal is highly disproportionate, the learned Writ Court dismissed the writ petition.

Before us also, primarily, the same grounds were canvassed as were canvassed before the learned Writ Court to say that with a pre-determined mind, the punishment has been imposed. In the show cause notice and in the punishment order, there is no proper appreciation of the explanation of the petitioner and therefore, the punishment imposed is not proper.

Arguments were also advanced to say that the punishment



in the facts and circumstances of the case is highly disproportionate. However, we find that the petitioner while working as a Head Cashier in the Branch in question disbursed un-sanctioned loan by allowing various applications in the absence of the Branch Manager during the period 15.11.2006 to 31.12.2006 without any authority. The amount of loan sanctioned by the petitioner was to the tune of Rs.68.30 lakhs and Rs.15.43 lakh as per the list enclosed with the charge-sheet and the amount disbursed by the petitioner during the absence of the Branch Manager were Rs. 38.87 lakhs and Rs. 15.43 lakhs. In a detailed departmental enquiry conducted, this charge was found to be proved and the petitioner having acted in excess of the power available to him and having sanctioned the loan and disbursed the amount in the absence of the Branch Manager in an illegal manner, the enquiry officer found him guilty of charges and the punishment has been imposed.

Even though, learned counsel for the petitioner tried to argue that this was a normal practice in the Bank, in the small branch, Head Cashier used to sanction the loan when the Branch Manager was absent, we are of the considered view that on such consideration, we cannot interfere into the matter where the charges levelled against the petitioner are serious in nature, disbursement of loan amount of more than Rs.50 lacs to persons without there being any authority with the petitioner and after taking note of all these factors, the Bank has



imposed the punishment, we cannot sit as an appellate authority over the decision of the Bank and interfere with the quantum of punishment imposed by the Bank. The question of imposition of punishment cannot be interfered by a Writ Court until and unless the punishment imposed is found to be shockingly disproportionate so as to shock the conscious of the Court. In this case, the allegations against the petitioner are serious in nature and if taking note of these allegations, the punishment has been imposed, we see no reason to make any indulgence into the matter.

Apart from the aforesaid, during the course of hearing, no procedural illegality or other ground to show that that the enquiry conducted against the petitioner stood vitiated was canvassed. That being so, we see no error in the order passed by the learned Writ Court refusing to interfere into the matter. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

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