

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.761 of 2017
IN
Civil Writ Jurisdiction Case No. 2082 of 2016**

- =====
1. The Chairman, Uttar Bihar Gramin Bank, Muzaffarpur.
 2. The Director-cum-Appellate Authority, Uttar Bihar Gramin Bank, Muzaffarpur.
 3. The General Manager, Uttar Bihar Gramin Bank Muzaffarpur.
 4. The Regional Manager, Uttar Bihar Gramin Bank Siwan.
 5. The Regional Manager, Uttar Bihar Gramin Bank Saran at Chhapra.
- Appellant/s

Versus

Rabindra Nath, son of Late Krishna Deo Pandit, resident of A-9 Snehi Path, West Patel Nagar, P.O. & P.S. Shastrinagar, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prashant Vedasen, Advocate
For the Respondent/s : Mr. Bindhyachal Singh, Advocate
Mr. Ram Binod Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 08-08-2017

Heard learned counsel for the appellants and the respondent.

Seeking exception to order passed by the learned writ Court in the matter of interfering with the disciplinary action undertaking and imposing punishment of dismissal from service, this appeal has been filed by the Bank, even though various grievances have been canvassed.

On hearing the learned counsel for the parties and on considering the various factors that were with the learned writ court



allowing the writ petition, we find that merely on the basis of certain procedural irregularities committed by the respondent while discharging the duties as Branch Manager, Scale-I, at Bheldi Branch (Saran), in the matter of disbursement of loan, the impugned action was taken. The learned writ court found that for the loan granted by the petitioner, except for the fact that certain procedural formalities were not followed. The entire loan granted was secured, the bank earned interest on the loan, appreciated the work done by the petitioner and even promoted him based on the said work, but when the auditors pointed out the procedural irregularities, the action was taken. The learned writ court after analyzing the matter in detail and after placing reliance the judgment of the Hon'ble Supreme Court in case of **Union of India & Ors. Vs. J. Ahmed**, reported in (1979) 2 SCC 286 and various other judgments held that an error of judgment or violation of guidelines for disbursement of loan is not an act of misconduct, it is only act of negligence, for which disciplinary action cannot be taken.

In the peculiar facts and circumstances of this case, the learned writ Court holds that the action taken is unsustainable. We find no reason to interfere in the matter. The act of procedural irregularities committed by the employee has not resulted in any financial loss to Bank, it resulted in financial gain, inasmuch as the



Bank earned interest on the loan granted, appreciated the work of the petitioner, granted him promotion, therefore, the learned writ court held that the bank acted mechanically only because objections were raised by the auditors does not call for any consideration.

The appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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