

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 394 of 2017

(Arising out of judgment/order dated in Case No. of the learned.....)

- Smt. Sarita Bai W/o Shri Narayan Singh Aged About 38 Years Occupation Officer, Assistant Grade I, Posted At Chhattisgarh Rajya Gramin Bank, Branch- Tapkara, District Jashpur, Chhattisgarh.

---- Appellant

Versus

1. Chhattisgarh Rajya Gramin Bank Through Its Chairman, Head Office, Mahadeo Ghat Road, Sunder Nagar, Raipur, Chhattisgarh.
2. Chhattisgarh Rajya Gramin Bank, Through Its General Manager, Head Office, Mahadeo Ghat Road, Sunder Nagar, Raipur, Chhattisgarh.
3. Regional Manager, Chhattisgarh Rajya Gramin Bank, Mishra Complex, 3rd Floor, Chakradhar Nagar, Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Appellant : Shri K.N. Nande, Advocate.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Arvind Singh Chandel

Judgement

P. Diwaker, J

24/10/2017

1. This writ appeal arises out of the order dated 4.9.2017 (Annexure A-1) passed by the learned Single Judge in Writ Petition (S) No.4439/2017 disposing off the writ petition with certain observations.
2. Brief facts of the case are that a departmental enquiry was initiated against the petitioner with the allegation that while posted as Branch Manager at Patratoli branch of the respondent Bank, she malafidely got deposited loan amount in the name of herself and her husband. The petitioner preferred a writ petition before this Court seeking quashment of

the proceedings of departmental enquiry on the ground that proper opportunity of hearing is not being afforded to her. The writ Court vide order impugned disposed off the writ petition directing that the petitioner shall be allowed time, as provided under the rules, for leading her oral and documentary defence evidence.

3. Counsel for the appellant submits that the petitioner had been denied reasonable opportunity of defending herself of the charges levelled against her and hence the entire proceeding is *void ab initio* because the petitioner was not given any opportunity to defend herself properly. He further submits that in the facts and circumstances of the case the writ Court ought to have quashed the entire departmental proceedings being absolutely contrary to the principles of natural justice.
4. We have heard counsel for the appellant and perused the impugned orders.
5. From the material on record it is clear that the appellant was granted 07 days time to take help of defence assistant but she failed to avail of such opportunity provided to her. Record also goes to show that opportunity to lead evidence in support of her case has also been granted to the appellant. Not only this, the appellant was granted opportunity to cross-examine the sole prosecution witness but she had refused to avail of such opportunity. This shows that ample opportunities were granted to the appellant to defend herself in the departmental enquiry but she had chosen not to avail any of said opportunities and, therefore, now she cannot be permitted to raise a plea of non-compliance of natural justice or denial of opportunity defend herself in the enquiry proceedings. There being no illegality or violation of any statutory rule in conducting the enquiry proceedings, it cannot be said to be vitiated and the same is in accordance with law.

6. We find that the order passed by the learned Single Judge refusing to interfere with the departmental enquiry is based on proper appreciation of material on record and we do not find any reason to differ from it.
7. In the result, the appeal being without any merit is hereby dismissed at the admission stage itself and the order passed by the learned Single Judge is maintained.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Arvind Singh Chandel)
Judge

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