

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.20807 OF 2000

ORDER:

This Writ Petition is filed seeking a Writ of Certiorari declaring the order dated 8.12.1999 passed by the General Manager vide his proceedings 110/PD/IRD (W) DA – 7 dated 8.12.1999 in dismissing the appeal preferred by the petitioner and confirming the order dated 28.7.1999 of the Deputy General Manager, Syndicate Bank, wherein the petitioner was dismissed from service, as null and void and consequently a direction to the respondents to reinstate the petitioner into service with all antecedent benefits.

2. Heard Sri G. Praveen Kumar, learned counsel for the petitioner and Sri Harender Singh, representing learned Senior Counsel Sri Deepak Battacharjee.

3. The case of the petitioner is that he was placed under suspension on 3.11.1998 while he was working as a Cashier-cum-Clerk in the respondent Syndicate Bank on the alleged financial irregularities and thereafter a detailed charge memo was issued on 1.1.1999. The petitioner submitted his explanation to the said charge memo on 13.2.1999 denying the charges. The disciplinary authority, having not satisfied with the explanation submitted by the petitioner, has ordered for a regular departmental enquiry on 13.2.1999. A regular enquiry was conducted and the enquiry officer has submitted a report on 30.4.1999 holding the charge as proved.

4. It is the further case of the petitioner that the Manager of the bank has assured him that no further action will be initiated against him if he remits an amount of Rs.8,000/- into the credit of the bank. Believing the

words of the Manager, the petitioner has remitted the said amount of Rs.8,000/- to make good of the alleged misappropriation.

5. It is also the case of the petitioner that the enquiry officer, after conducting detailed enquiry, has submitted a report on 30.4.1999 holding the charge as proved. A copy of the enquiry report was furnished to the petitioner by the disciplinary authority on 10.6.1999 and the petitioner has submitted his objections to the enquiry report. The disciplinary authority has imposed a punishment of dismissal from service vide orders dated 28.7.1999. The petitioner has preferred an appeal to the General Manager on 23.9.1999 and the General Manager rejected the appeal vide orders dated 8.12.1999 confirming the orders passed by the disciplinary authority.

6. Learned counsel for the petitioner submits that the petitioner is not guilty of misappropriation of the amounts and the crucial witness PSN.Rao who has attested the alleged counter foil of the disputed voucher, has not been examined and that is why he could not prove his innocence before the enquiry officer.

7. Except making such a bald statement that the crucial witness PSN.Rao was not examined, learned counsel for the petitioner could not show any material or steps that were taken by the petitioner before the enquiry officer for examining the crucial witness PSN Rao.

8. In the absence of such an attempt being made by the petitioner before the enquiry officer, this Court, at this stage, cannot appreciate that the petitioner was not given any opportunity to examine Sri PSN.Rao, the crucial witness according to the petitioner.

9. Sri Harender Singh, learned counsel appearing for the respondents contends that in view of the admission made by the petitioner and the

fact that the petitioner has paid an amount of Rs.8,000/-, itself demonstrates that the petitioner is guilty of misappropriation and principles of natural justice were followed in the enquiry and the Manager of the respondent bank had rightly dismissed the petitioner from service and hence, no interference can be called for by this Court.

10. After perusing the record and after hearing the arguments of both the parties, I am of the view that the scope of interference in disciplinary matters under Article 226 of the Constitution is very limited. Only in cases where principles of natural justice are violated, where disciplinary proceedings are initiated by an incompetent authority or by an authority without jurisdiction and on the proportionality of the punishment, Court can interfere in disciplinary matters.

11. In the instant case, none of the above mentioned factors are present so as to call for interference by this Court under Article 226.

12. Hence, I see no reason to interfere in the punishment imposed by the respondents on the petitioner.

13. In view of the facts and circumstances obtaining in this case, writ petition is devoid of merits and accordingly, writ petition is dismissed.

14. Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

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ABHINAND KUMAR SHAVILI ,J

Date:21.11.2017

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