IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12865 of 2014 (O&M)
Date of Decision:-28.07.2017.

Virinder Pal Singh

......Petitioner

Versus

Punjab and Sind Bank and others

......Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

****

Present: Mr. H.C. Arora, Advocate for the petitioner.

Mr. R. Kartikeya, Advocate for the respondents.

****

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has assailed the order dated 15.06.2013 and 19.04.2014 (Annexure P-7 and P-9).

Petitioner while working in the respondent-Bank was subjected to disciplinary proceedings by issuing show cause notice on 15.04.2011 on the allegation of certain irregularities committed by him in respect of term loan etc. During pendency of the disciplinary proceedings, petitioner has attained the age of superannuation and retired from service on 30.09.2011. Disciplinary proceedings ended in imposing the penalty of reduction by 03 stages in the time scale of pay on permanent basis on 15.06.2013. Feeling aggrieved by the order of penalty, petitioner preferred an appeal before the Appellate Authority. Appellate Authority rejected petitioner's appeal on 19.04.2014. Thus, the present petition.

Learned counsel for the petitioner submitted that imposing penalty of reduction by 03 stages in the time scale of pay on permanent basis under the Punjab & Sind Bank Officer Employees' (Discipline & Appeal) Regulations, 1981 read with Punjab & Sind Bank (Officers') Service Regulations, 1982 are not applicable to the petitioner insofar as invoking Regulation 4 to impose any one of the penalties mentioned in Regulation No.4, for the reasons that both the Discipline and Appeal Regulations, 1981 as well Service Regulations, 1982 are applicable to only such of employees who were serving in the Bank. Reading of Regulation 2 of Punjab & Sind Bank (Officers') Service Regulations, 1982 and Discipline and Appeal Regulations, 1981, it is evident that these Regulations are not applicable to retired Officers. Therefore, imposition of penalty of reduction by 03 stages in the time scale of pay on permanent basis invoking Regulation No.4 of Discipline and Appeal Regulations, 1981 is liable to be set aside. Consequently, the Appellate Authority's order dated 19.4.2014 is to be set aside.

Per contra learned counsel for the respondents-Bank submitted that under the Punjab & Sind Bank (Employees') Pension Regulations, 1995 in particularly Regulation No.48 empowers the disciplinary authority to proceed with the inquiry and for imposition of penalty including recovery, if any loss caused to the Bank. Learned counsel for the respondents also relied on Regulation No.20 (3) (iii) of the Punjab & Sind Bank Officers Service Regulations, 1982. Thus, there is no infirmity in the order of disciplinary authority as well as Appellate Authority.

Heard learned counsel for the parties.

Short question for consideration in the present case is whether the respondents can impose penalty of reduction by 03 stages in the time scale of pay on permanent basis while invoking Regulation No.4 of Discipline and Appeal Regulations, 1981 read with Service Regulations, 1982 is in accordance with the Regulations or not against retired Officer or not? Perusal of the applicability clause in both the Regulations, 1981 and 1982, it is crystal clear that both the Regulations are applicable only to such of those employees who were serving in the Bank and not in respect of retired Offiers or employees. Since the petitioner has attained the age of superannuation and retired from service on 30.9.2011 and the fact that petitioner has been imposed penalty of reduction by 03 stages on 15.6.2013 i.e. much after his retirement, question of invoking Regulations 1981 and 1982 does not arise. In respect of punishing and Appellate Authority's order as is evident from Regulation No.2 of Regulations, 1982 which reads as under:-

> ***2. OFFICERS TO WHOM THE REGULATIONS APPLY***
>
> *2. 1) These regulations shall apply to all officers of the Bank and to such other employees of the Bank to whom they may be made applicable by the Competent Authority to the extent and subject to such conditions as such authority may decide.*
>
> *(2) They shall also apply to officers transferred/ posted/deputed outside India except to such extent as may be specifically or generally prescribed by the Competent Authority.*
>
> *(3) They shall, however, not apply to employees appointed/engaged in any country outside India and permanently serving there."*

These Regulations are not applicable for retired employees and are applicable to officers of Bank and to such other employees of the Bank.

At the best respondents could have imposed the penalty under the Punjab & Sind Bank (Employees') Pension Regulations, 1995 to the extent of recovery, if any loss caused to the respondent Bank. Therefore, order of penalty dated 15.6.2013 and Appellate Authority's order dated 19.4.2014 Annexure P-7 and P-9 are hereby set aside. Reserving liberty to the respondents-Bank to issue a fresh show cause notice insofar as taking any action under the Punjab & Sind Bank (Employees') Pension Regulations, 1995 or in accordance with law, if they are so advised.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

July 28, 2017.
sandeep sethi

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.