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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6131 of 2017
Date of Decision : 24.03.2017

Bir Singh Tak ...... Petitioner

Versus

Sarva Haryana Gramin Bank and others ...... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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Present : Mr. R.N. Lohan, Advocate
for the petitioner.

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AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order dated 03.06.2016 (Annexure P-4) passed by respondent No.3 and the order dated 29.09.2016 (Annexure P-6) passed by respondent No.2.

The petitioner was working as Manager in the Gramin Bank and was charge-sheeted on 29.12.2014. The inquiry was conducted and as per the report the charge No.1(a) was not proved and charge No.1(b) and 1 (c) were partially proved. It is not disputed that there is no fault in the procedure followed. The inquiry officer held that the petitioner did not adhere to the guidelines in sanctioning and disbursing loan for purchase of buffaloes as the age of calves was 5 ½ months, 4 months and 4 months (dead) and that the petitioner erred because as a prudent banker he should have ensured that the loan was granted at the beginning of the lactation period.

As regards charge No.1(b), the inquiry officer held that despite the argument that the loans were ultimately paid the fact remain that the petitioner did not adhere to the required financial discipline while granting the loans. The disciplinary authority vide impugned order (Annexure P-4) awarded him the punishment of reduction in pay by one stage for a period of 3 years but further stated that during that period of 3 years the petitioner would continue to earn increments. The petitioner filed an appeal and was also heard. The appeal was decided by the impugned order (Annexure P-6). Again the plea of the petitioner before the appellate authority in substance was that there was no specific age of calves which was prescribed. The appellate authority noticed that in Appendix I of the Circular it had been mentioned that "*the cow/buffalo should be in first or second month of upto third lactation so that the purchaser of the animal may avail of maximum production period of the life of animal*" and consequently rejected his arguments. As regards charge 1(c) also, the same argument was raised viz. that ultimately the loans were repaid. The appellate authority also found that even if this was so yet the petitioner had not followed the financial discipline because the account/s were in fact irregular. The petitioner had further contended that the punishment order whereby his pay was reduced by one stage for a period of 3 years was bad in law since he was to retire after 2 years & 9 months. Taking notice of this contention the period of reduction of pay was reduced to the date of his retirement.

Learned counsel has firstly argued that the findings are wrong on the same lines as were asserted by the petitioner. However, I am not in a position to accept this argument and hold that the findings of the inquiry officer, disciplinary authority and the appellate authority cannot be said to be faulty.

Secondly, the learned counsel has argued that the punishment was disproportionate to the charges proved. It cannot be lost sight of that I am not sitting in appeal. In writ jurisdiction this Court can interfere in the order of punishment but only if it is so disproportionate to the charge that it shocks the judicial conscience. I regret my inability to agree with the learned counsel that the punishment imposed upon the petitioner falls within that rare category.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

March 24, 2017
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No