

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1964 of 2016 (O&M)
Date of Decision: March 02, 2017

Om Parkash

.....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.S.K.Malik, Advocate, for the appellant.

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Surya Kant, J. (Oral)

This letters patent appeal is directed against the order dated 22.08.2016 whereby learned Single Judge dismissed the appellant's writ petition and has upheld the order of his dismissal from service as well as those passed by the Appellate and Revisional Authorities.

[2] The appellant joined the Panipat Central Cooperative Bank Limited, Panipat as a Secretary on 15.09.1983. He was posted at Madlauda Cooperative Society Limited, Madlauda, district Panipat at the time when he was placed under suspension on 28.12.2004, followed by charge-sheets dated 04.03.2005, 01.06.2005 and 28.11.2005. The allegations against him were regarding embezzlement of funds of the Society alongwith other staff members. The appellant filed reply to the charge-sheets which was found unsatisfactory. A regular enquiry was held in which he was duly associated. The Inquiry Officer held the appellant guilty of the charges. The enquiry report was duly supplied to him alongwith show-cause notice. The appellant submitted his reply thereto which was considered by the Board of Directors of the Bank in their meeting held on 31.05.2006. The appellant was heard in

person, whereupon the Board of Directors unanimously resolved to dismiss him from service. The appellant unsuccessfully assailed the dismissal order firstly in appeal before the Registrar, Cooperative Societies and then in revision petition before the State Government. Those orders have been upheld by the learned Single Judge keeping in view the well-known limits of a Writ Court to sit as an Appellate Authority in such like matters.

[3] We have heard learned counsel for the appellant who vehemently urged that the appellant is not guilty of any misappropriation of funds and that the allegation to this effect is totally false and fabricated. Learned counsel has taken us through some documents to suggest that the embezzlement was attributable to some other employees also.

[4] Having given our thoughtful consideration to the submissions, we do not find any merit therein. We say so for the reason that the enquiry has been held in consonance with the principles of natural justice. There is no allegation of bias or pre-judging the issues against the appellant. The documents do suggest that the appellant as well as other employees of the Society were guilty of embezzlement of Society's funds. Having regard to the gravity of charges, the punishment of dismissal from service cannot be said to be disproportionate.

[5] No case to interfere with the order under appeal is made out.

[6] Dismissed.

[SURYA KANT]
JUDGE

March 02, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No