

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 1002 of 2014

In

Civil Writ Jurisdiction Case No. 4804 of 2013

Hira Lal Sahu Son of Late Basudeo Sahu, resident of Shriti Vihar Colony,
Road No. 1 Near Bhagwat Milan Mandir Bhagwat Nagar, Kankarbagh,
Kumhrar, Patna

... .. Appellant/s

Versus

1. The Chairman-Cum-Managing Director, Punjab National Bank, Head Office at 7, Bhikhaji Cama Palace, New Delhi- 110066
2. The Executive Director, Punjab National Bank, having Office at 7, Bhikhaji Cama Palace, New Delhi- 110066 (The Reviewing Authority)
3. The General Manager, Punjab National Bank, having Office at 7, Bhikhaji Cama Palace, New Delhi- 110066 (The Appellate Authority)
4. The Circle Head, Punjab National Bank, Patna Circle, Chanakya Place, R-Block, Patna- 800001
5. The Assistant General Manager Disciplinary Action Cell, Cell, Circle Office, Chanakya Place, R-Block, Patna-800001 (Disciplinary Authority)
6. The Chief Vigilance Officer, Punjab National Bank, having Office at 7, Bhikhaji Cama Palace, New Delhi- 110066
7. Capt. L.S. Rai, Senior Manager, Punjab National Bank, Circle Office, Chanakya Place, R-Block, Patna, now posted at Senior Manager, at Punjab National Bank, R.C.C. Pune, Mharastra (Inquiry Officer)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindhyachal Singh Advocate Mr. Pancham Lal Jaiswal Advocate Mr. Krishna Kumar Singh Advocate Mr. Anil Kumar Dwivedi Advocate
For the Respondent/s	:	Mr. Manish Kumar Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 18-01-2018

Heard learned counsel for the parties.

Writ Application of the present appellant was dismissed by
the Learned Single Judge, vide his order, dated 12.03.2014. By



virtue of dismissal of the writ application, the decision of the disciplinary authority as well as the appellate and revisional authority, imposing punishment of dismissal from service, was upheld, since the Learned Single Judge did not find any error either in the process or procedure followed in conduct of the disciplinary proceeding or any infirmity, having been found in exercise of power by any of the authorities. The findings are that due process and procedure was followed and a detailed consideration and reasons thereof have been provided by all the authorities while imposing punishment of dismissal as well as upholding the same by the appellate authority and revisional authority.

The origin of the disciplinary proceeding has its foundation between 04.06.2004 to 06.09.2008. While being posted as Deputy Manager, Bharatpura Branch of Punjab National Bank, the allegation is that reckless financing was done without any proper pre-sanction appraisal or post-sanction approval to large number of borrowers and most of these loan amounts had become bad in law and there was default galore. It is also noticed that many of the loanees were nameless, faceless people, even proper Know Your Customer Verification (KYC) was not done. There was huge difference and variance in the documentation. People, who were



said to have taken the loan, appeared before the authorities and denied the same. On matching with the documentation, the photographs of the persons sanctioned and the name did not match etc. etc.

Twenty three chargers were drawn up against the appellant. Enquiry was held. Evidence was produced by the Presenting Officer. Delinquent's defence was taken into consideration and out of the same, Charge Nos. 1, 3, 7, 8, 9, 11, 12, 13, 14, 17, 18 and 20 stood proved; Charge Nos. 4, 5, 15, 19, 21, 22 and 23 were not proved; and Charge Nos. 2, 6, 10 and 16 were held to be partially proved. However, subsequently, it emerges that the disciplinary authority disagreed with the Enquiry Officer on two charges and held that Charge No. 10 was fully proved. Contra, the disciplinary authority also held that Charge No. 11, which was held to be proved, was not proved.

By reading of the set of charges, it is evident that the appellant while exercising his power as Deputy Manager of the Branch in question was reckless in disbursing of loans and since these disbursements have financial implications, running into lakhs of rupees, the hands of the Bank was forced into taking an action when defaults started happening and most of the loanees refused to pay back.



Some of the submissions made at the Bar on behalf of the appellant is that the appellant had been given power to disburse loan upto the tune of Rs. 1 crore and since he was transferred from the Branch, he did not get adequate opportunity to follow up the cases for recovery and that the loans were bonafidely disbursed. There was no other authorities above the present appellant from where approval etc. was required, therefore, the appellant ought not to be held guilty.

To the contrary, stand of the Bank is that loans were disbursed to large number of beneficiaries under various categories and the sheer number of defaults and non-payments proves the fact that the disbursement of loan to the extent of 51.73 lakhs were loaned out without keeping in mind the financial interests of the Bank.

Even if the argument that the appellant was under pressure to achieve certain targets and it was a bona fide mistake is accepted on the face value, this Court has no answer to the query that since the appellant was a wise owl, having spent more than three decades in service, and the disbursement had been virtually made towards the fag end of service, how come he was not aware of his conduct as well as the risk, which he was taking at the financial stake of the Bank.



The Learned Single Judge has examined the various facets and having failed to find any illegality in the manner in which the enquiry was held as well as the manner in which power was exercised by the disciplinary authority as well as appellate and revisional authority, it refused to substitute any of its wisdom in the face of the findings, which were quite glaring.

The Court, therefore, is not persuaded to interfere with the order of the Learned Single Judge, dated 12.03.2014.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

skm/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	19.01.2018
Transmission Date	

