

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2159 of 2015

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1. Smt. Neelam Kumari W/O Sri Birendra Kumar Resident of Road No.-
1,Abhiyanta Nagar,Opposite Aman Motors,Bailey Road,P.S-
Danapur,Distt.-Patna

.... Petitioner/s

Versus

1. The Syndicate Bank,Industrial Relations Division having its Head Office at Manipal
2. The Syndicate Bank,Regional Office at Patna
3. The Appeallate Authority-cum-General Manager(P),Syndicate Bank,Industrial Relations Division having its Head Office at Manipal
4. The Disciplinary Authority-cum-Assistant General Manager,Syndicate Bank,Industrial Relations Division having its Head Office at Manipal
5. The Enquiry officer-cum-Senior Manager,Syndicate Bank,Kolkata

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

For the Bank : Mr. Sanjiv Kumar.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 19-04-2018 Much has been argued on behalf of the petitioner regarding various procedural irregularities in the proceedings conducted against the petitioner.

It is specifically stated that the charges have not been established with reference to any witness other than one management witness, who is an employee of bank who had not verified the facts from the various account holders through whose accounts it is alleged that fraudulent transactions have been made by the petitioner while she was the branch manager of the Syndicate Bank, (Bailey Road Branch).



The counsel for the respondent has also tried to sustain the finding of fraud recorded against the petitioner, with reference to the enquiry report and other documents available on record. The order of dismissal has been passed by the disciplinary authority under order dated 15.02.2014/07.03.2014. The plea of the petitioner has been rejected by the Appellate Authority-cum-General Manager (Personnel) under order dated 03.11.2014.

Placing reliance upon Syndicate Bank Officer Employees' (Discipline & Appeal) Regulations, 1976, it has submitted that the appellate authority has not considered the fact that since no loss has occasioned to the bank on account of the alleged lapses in respect of which charge memo has been issued and that at best, they constituted violation of norms. The petitioner has raised the issue of the punishment being grossly excessive and disproportionate to the charges.

It has been submitted by learned counsel for the petitioner that disproportionality in punishment was required to be considered and decided with reference to the said submission as also keeping in view the background of the petitioner's service in the bank for a considerable time. It is also submitted that criminal investigation resulted in



submission of final form in respect of same charges, these mitigating circumstances were required to be considered by the appellate authority while examining the petitioner's plea regarding the punishment being disproportionate which have been raised by the petitioner in her appeal. However, the consideration in respect of the proportionality of the punishment with reference to the charges in the order of Appellate Authority is as follows:

“The Banks, being custodians of public money, mainly of the common man, the Bank employees, especially the Officers, are holding a position of trust, where conducting the bank transactions as per the established norms are inbuilt requirements for proper functioning. The public repose a high degree of faith in the Bank employees when they entrust their hard earned / life savings with the Banks. Hence, every Bank employee, especially officers, is expected to discharge his/her duties within the delegated powers as per banks guidelines, without misusing official position etc so that the confidence reposed by the public in the Banks is not impaired. Thus, the Bank employees enjoy a prime status in the public eyes. Such being the case, if a Bank employee indulges in doing unauthorized acts, causing loss to the bank, abuses his official position etc., the public conscience would be shocked.”

Whether the fact that no loss has been



occasioned or the fact that final form has been submitted and the petitioner's earlier service rendered to the Bank can be considered to be mitigating circumstances so as to uphold the punishment or not is an issue which is required to be considered by the appellate authority in terms of the said regulations. The same apparently has not been done as has been noticed above. In view of the limited nature of submission made for the present, this Court would direct the appellate authority to reconsider the punishment with reference to the said mitigating circumstances which may be comprehensively raised by the petitioner by filing a separate representation in respect of the same. The appellate authority may consider the same and dispose of the petitioner's representation by a reasoned and speaking order within a period of eight weeks from the date of submission of the same along with a copy of this order. Representation must be submitted by the petitioner no later than four weeks from today.

Petition is disposed off.

(Madhuresh Prasad, J)

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