IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.27 of 2017
In
Civil Writ Jurisdiction Case No.50 of 2016

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Akhil Kishore Prasad Singh, Son of Late Ram Bachhan Singh, Resident of Mohalla - Adarsh Bihar Colony, Rukunpura, P.S. Rupaspur, District - Patna

... ... Appellant

Versus

1. The Central Bank of India through its General Manager, Zonal Office Maurya Lok Complex, P.S. Kotwali, District Patna
2. The Field General Manager, Central Bank of India, Zonal Office, Maurya Lok Complex, P.S. Kotwli, District - Patna null null
3. The Deputy General Manager, Central Bank of India, Zonal Office, Maurya Lok Complex, P.S. Kotwli, District - Patna
4. The Regional General Manager, Central Bank of India, Zonal Office, Maurya Lok Complex, P.S. Kotwli, District - Patna

... ... Respondents

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Appearance :

For the Appellant	:	Mr. Rajendra Prasad Singh, Senior Advocate Mr. Mukesh Kumar Singh, Advocate Mr. Gyanendra, Advocate
For the Respondents	:	Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 03-05-2018

Heard learned senior counsel for the appellant, counsel for the Bank and also perused the impugned order dated 02.12.2016 passed by the learned single Judge in C.W.J.C. No. 50 of 2016, by virtue of which the learned single Judge dismissed the writ application refusing to interfere with the order of punishment passed by the disciplinary authority and affirmed by the appellate authority.

After having taken note of the various submissions as well as the legal principles and the ratio of cases decided, the learned single Judge had this to say :

> **"I have heard learned counsel for the parties and have perused the records. The charge memo present at Annexure 3 lists no less than eight charges against the petitioner and which are rather serious. It relates to extending credit facilities to different business houses and clearly the petitioner has defaulted in maintaining prescribed procedure. No doubt, the Enquiry Officer while considering the allegations has bifurcated the charges into sub-charges and while he has upheld some of the sub-charges, he has exonerated the petitioner of others as is manifest from the report present at Annexure 6. The Enquiry Officer while expressing his opinion on the charges setup against the petitioner has concluded by submitting that mistakes committed by the petitioner are general in nature and due to lack of his knowledge in the Credit Department. He also mentions that the default reflects negligence which is not accompanied with malafide intention. In other words, the Enquiry Officer while upholding the charges has attributed it to the lack of knowledge on the part of the petitioner in regard to following the prescribed procedure while extending credit facility. The Disciplinary Authority has accepted the finding of the Enquiry Officer on the charges in toto and it is in consideration of the opinion of the Enquiry Officer on the allegations that he has imposed penalty as against each of the charge separately, which is manifest from his order present at Annexure 9, which also accompanies detailed order passed by the Disciplinary Authority. The Disciplinary**

Authority on assessment of the charges and the punishment imposed on the petitioner for individual charges, has consolidated it to a punishment of reduction of two stages to remain operative until superannuation of the petitioner having an effect of postponing future increments.

In my opinion the single instance, which wrests the right vested in the petitioner to question the orders of punishment, is reflected from his answers and present in the reply filed by the petitioner before the Disciplinary Authority in response to the Enquiry Officer's report, which is enclosed at Annexure 4 and admission of the petitioner in the opening paragraph of his reply that he has only obeyed the instructions of the Branch Manager and followed the guidelines received time to time by the higher authority, by itself is sufficient to uphold the punishment. For once the guilt is admitted then the petitioner cannot raise any objections as against the disciplinary proceedings.

The judgment rendered in the case of Nikunja Bihari Patnaik (supra) relied by Mr. Sinha in paragraph 7 takes notice of Regulation 3 of the Regulation in question, which is reproduced in paragraph 6 of the judgment and requires every Officer employee of the Central Bank of India to take all possible steps to protect the interest of the Bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a Bank Officer. It further requires the officer/employee to maintain good conduct and discipline and to act to the best of his judgment in performance of his official duties or in exercise of the powers conferred upon him. Breach of Regulation 3 is held to be'misconduct' within the meaning of Regulation 24.

The statutory provisions underlying Regulations 3 and 24 when considered in the background of admission made by the petitioner, it only confirms his act of omission to maintain utmost discipline and to protect the interest of the Bank and his failure to do so, is sufficient ground for imposition of penalty in question. Whether such acts of omission of the petitioner has resulted in loss or not and whether it was plain case of negligence due to lack of knowledge in the Credit Department, cannot be a ground to exonerate the petitioner of the charges because Officers and employees of the Bank are repository of public faith and they deal with public money and thus, even a slight breach in abiding by the prescribed procedure, is sufficient to invite a penalty and considering that no less than eight allegations have been setup against the petitioner in extending credit facilities to different business houses, in my opinion, the disciplinary authority has been rather generous in letting off of the petitioner with the penalty under challenge."

In view of the findings reproduced in the earlier part of the order, which is not the subject matter of dispute in appeal, and keeping in mind that the appellant superannuated on 31.05.2015, which is within six months of the imposition of order of punishment, the order of punishment for that reason also does not require to be interfered with. On the face, it seemed that the punishment is supposed to be life long and harsh, but since life of the appellant in service was only six months after the order, the effect of punishment got curtailed. Even on the question of disproportionality, no interference is warranted.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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