IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.46 of 2017
In
Civil Writ Jurisdiction Case No.734 of 2016

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1. Central Bank of India through Field General Manager, Central Bank of India, Chandramukhi Nariman Point, Mumbai-400021
2. The Field General Manager, Central Bank of India, Zonal Office, Maurya Lok Complex, P.S. - Kotwali, District - Patna.
3. The Deputy General Manager, Central Bank of India, Zonal Office, Maurya Lok Complex, P.S. - Kotwali, District -Patna.
4. The Regional Manager, Central Bank of India, Regional Office, Maurya Lok Compelx, Patna, P.S. Kotwali, District - Patna.

... ... Appellants

Versus

Akhil Kishore Prasad Sinha, S/o Late Ram Bachhan Singh, Resident of Mohalla- Adarsh Vihar Colony, Rukunpura, P.s Rupaspur, District Patna.

... ... Respondent

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Appearance :

For the Appellants	:	Mr. Ajay Kumar Sinha, Advocate
For the Respondent	:	Mr. Rajendra Prasad Singh, Senior Advocate
		Mr. Mukesh Kumar Singh, Advocate
		Mr. Gyanendra, 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 counsel for the appellant Bank as well as learned senior counsel for the private respondent.

No doubt, a disciplinary proceeding was initiated against the private respondent for having sanctioned and disbursed certain loans in excess of the target for the year 2011-12, 2012-13 and some of the sanctions of the loan were even beyond his area of operation. However, the learned single Judge has taken note of the various aspects of the matter and found that even though there has been increase in the business of the Bank, but there has been no pecuniary loss suffered by the Bank.

Branch Managers at times are also under pressure to meet certain targets and expand business. May be, the private respondent had more risk taking appetite than normally expected, but then since nothing detrimental in terms of interest of the Bank has occurred because of such financing coupled with the fact that the explanations and the defence put up by the private respondent was not considered by the disciplinary authority in the right perspective, the learned single Judge was correct in quashing the order of punishment dated 03.06.2014 passed by the disciplinary authority and the order dated 31.12.2014 passed by the appellate authority.

In the totality of the facts, we are of the opinion that it was not one of those cases where the Bank should have taken such an extreme view of the matter. The decision to sanction loan by the private respondent was not because of any extraneous or malafide reasons but only to increase the business, which could be also treated to be error of judgment rather than intentional act on part of the private respondent to cause any loss to the Bank.

The submission of the counsel for the appellant Bank is that the learned single Judge should have remanded the matter back to the disciplinary authority from the stage where aberrations have been noticed which led to quashing of the punishment order. This Court would have considered such a submission provided the private respondent was still in service. Since he has already superannuated in the year 2015, no purpose will be achieved by such a remand.

Appeal, therefore, is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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