IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10336 of 2014

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Meena Devi W/o late Ram Prakash Das Resident of Mohalla- Hanuman Tikri, P.O.- B. Deoghar, P.S. & District- Deoghar(Jharkhand).

.... Petitioner/s

Versus

1. The Bihar Gramin Bank through its Chairman, Gramin Bank Chowk Near Zero Mile, Opposite North Gate of F.C.I. P.O. Bihat , District- Begusarai(Bihar) Pin 851135.
2. The Chairman,Bihar Gramin Bank, Gramin Bank Chowk Near Zero Mile, Opposite North Gate of F.C.I. P.O. Bihat , District- Begusarai(Bihar) Pin 851135.
3. General Manager, ,Bihar Gramin Bank, Gramin Bank Chowk Near Zero Mile, Opposite North Gate of F.C.I. P.O. Bihat , District- Begusarai(Bihar) Pin 851135.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
Mr. Ram Sumiran Rai, Advocate

For the Respondent/s : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 14-08-2018

Heard learned counsel for the petitioner and the respondent Bank.

2. Petitioner has been proceeded against under charge memo alleging reckless finance. Charges against the petitioner are 11 in number and alleging finance in disregard to the Bank's norms. The Enquiry report dated 22.04.2009 is also annexed to the writ petition.

3. Bare perusal of the same shows that there is no quantification of the losses said to have been occasioned by reckless finance proved against the petitioner. The petitioner has thereafter,

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been awarded punishment of dismissal from the Bank's service with immediate effect and withholding of future increments. The order of the Disciplinary Authority is dated 26.06.2009. Against the same the petitioner has preferred an appeal. The appeal has finally been disposed off under order dated 29.05.2010. Conclusion of the appellate order is as follows :

> "The appellate Board comes to the conclusion that his appeal be rejected. However, looking to the facts he has been retired from the Bank's service and has attained the age of superannuation. The Board decides that he be given the penalty of compulsory retirement. Accordingly, Sri RP Das is compulsorily retired from the Bank's services.
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> It is made clear by the Appellate Board that all the loans outstanding and losses suffered by the Bank may be recovered from the terminal benefits, these are otherwise payable to him."

4. Since the original writ petitioner who has challenged the award of punishment has passed away during pendency of the instant writ petition, his wife has been substituted in his place.

5. It is submitted by the counsel for the Bank that the Bank has shown a lenient attitude by reducing his punishment of dismissal to compulsorily retirement.

6. Petitioner is aggrieved by the second part of the order

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passed by the Appellate Authority which contemplates that 'all loans outstanding and losses suffered by the Bank may be recovered from the terminal benefits.'

7. There is no quantification of the said amount in the enquiry proceedings. The order *per se* is without any basis and the petitioner on the basis of such vague and baseless conclusion cannot be made to suffer a recovery which in the counter affidavit filed by the respondent authorities have been quantified for the first time as Rs. 51,08,125/-.

8. This Court would find no basis to sustain the said quantification as the same has never been done and communicated to the petitioner during his life time either at the stage of proceeding before the Enquiry Officer or by the Disciplinary Authority. Even the Appellate Authority has also not ventured to quantify the loss occasioned.

9. Such a huge amount which is sought to be imposed upon the petitioner (wife of deceased employee) from retrial dues pursuant to the averments made in the counter affidavit is clearly unsustainable in law.

10. Counsel for the Bank has submitted that other than the said amount there were some vehicle loan of the petitioner and staff over draft. The respondent Bank after communicating the details

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of liability occasioned on account of vehicle loan of the petitioner and staff over draft may be entitled to recover the said amount from the petitioner's retrial dues. In so far as the amount of Rs. 51,08,125/- communicated by way of counter affidavit, this Court would find that the same is without any basis. Such amounts were never quantified during course of the proceedings and is an arbitrary quantification, which cannot be recovered from the petitioner.

11. Let the respondents in light of the observations made hereinabove pay admissible dues of the petitioner after providing a calculation chart to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

12. Writ petition is allowed to the extent indicated herein above.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

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