

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1000 of 2015

In
Civil Writ Jurisdiction Case No.11989 of 1998

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Narayan Jha son of late Sri Anirudh Jha resident of Kamalnagar Colony, P.S.
Mojahidpur, District Bhagalpur

... .. Appellant/s

Versus

1. Uco Bank through Chairman and Managing Director Head Office 10, Brabarne Road, Kolkata (W.B.)
2. The Chairman and Managing Director, UCO Bank,10, Brabarne Road, Kolkata (W.B.)
3. The General Manager (Operation) Eastern Region, UCO Bank, Head Office. India Exchange Place 4 th Floor, Kolkata.
4. The Zonal Manager, UCO Bank, Zonal Office, Mauryalok Complex 4 th Floor New Dak Bungla Chowk, Patna
5. The Deputy General Manager, UCO Bank, Zonal Office, Patna 4 th Floor A Block Mauryalok Dak Bunglow Chowk, Patna
6. The Branch Manager, UCO Bank, Lodipur Branch, Lodipur Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Satish Chandra Mishra, Adv
For the UCO Bank	:	Mr. Ranjeet Kumar Pandey, Adv

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 05-09-2018

Heard learned counsel for the parties.

2. This Letters Patent Appeal has been preferred against the judgment and order dated 20.03.2015 passed by a learned Single Judge of this Court in C.W.J.C No. 11989 of 1998, by which writ petition was dismissed.

3. The writ petitioner had filed writ petition against the order dated 23.04.1998 passed by Deputy General Manager



(Disciplinary Authority) UCO Bank, Zonal Office, Patna by which writ petitioner was dismissed from service.

4. The writ petitioner was posted as Assistant Manager (Cash) UCO Bank, Lodipur, Bhagalpur, when departmental proceeding was initiated against him for various acts of omission and commission and after conclusion of enquiry he was found guilty of charges and he was issued second show cause notice by the Disciplinary Authority and after receiving the reply of the delinquent and considering the same by a reasoned and speaking order the Disciplinary Authority found the delinquent guilty of charges and imposed punishment of dismissal from service.

5. The charges were grave and serious in nature against delinquent-writ petitioner of indulging in fraudulent acts making interpolation in bank records and committing financial irregularities, financial indiscipline and acting against the interest of bank for which he was proceeded departmentally and he was granted full opportunity to defend charges framed against him before the Enquiry Officer and proceeding were held in compliance of principles of natural justice and in accordance with disciplinary Rules and on conclusion of departmental proceeding, the Enquiry Officer found him guilty



of charges and Disciplinary Authority after giving him full opportunity by a speaking and reasoned order dismissed the writ petitioner from service against which he had filed writ petition and the learned Single Judge after due consideration did not find any error or illegality in the order of punishment passed by the Departmental Authorities and dismissed the writ petition against which petitioner has preferred his L.P.A.

6. The Apex Court in **State Bank of India & Anr Vs. Bela Bagchi** since reported in **(2005) 4 SCC 435** in para 15 has held as follows:-

“15. A bank officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the bank is required to take all possible steps to protect the interests 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. Good conduct and discipline are inseparable from the functioning of every officer/employee of the bank. As was observed by this Court in *Disciplinary Authority-cum-Regional Manager v. Nikunja Bihari Patnaik*, it is no defence available to say that there was no loss or profit which resulted in the case, when the officer/employee acted without authority. The very discipline of an organisation more particularly a bank is dependent upon each of its officers and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and is a misconduct. The charges against the employee were not casual in nature and were serious. That being so, the plea about absence of loss is also sans substance.”

7. The Apex Court in the case of **Regional Manager,**



U.P. SRTC, Etawah And Others *Versus* Hoti Lal and Anr,
since reported in **(2003) 3 SCC 605**, in concluding part of
paragraph no. 10, has held as follows:-

“10. If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct in such cases has to be dealt with iron hands. Where the person deals with public money or is engaged in financial transactions or acts in a fiduciary capacity, the highest degree of integrity and trustworthiness is a must and unexceptionable. Judged in that background, conclusions of the Division Bench of the High Court do not appear to be proper. We set aside the same and restore order of the learned Single Judge upholding the order of dismissal.”

8. We have examined the order passed by the learned Single Judge and do not find any error in the order passed by learned Single Judge which requires any interference by Division Bench and this L.P.A is devoid of any merit and is accordingly dismissed.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

ranjan/-

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