IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 23092 of 2013

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Sujay Kumar Singh S/O Shree Jagdish Singh Resident Of Shree Krishna Nagar, Police Station- Motihari Town, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The Punjab National Bank Through The Circle Head Cum Appellate Authority, Circle Office, Punjab National Bank, Aghoria Bazar, Muzaffarpur.
2. The Chief Manager, Disciplinary Authority, Punjab National Bank, Circle Office, Muzaffarpur.
3. The Enquiry Officer, the Then Senior Manager, Punjab National Bank, Muzaffarpur Circle, Muzaffarpur.
4. The Presenting Officer, Punjab National Bank The Then Manager, Circle Office, Muzaffarpur.
5. R.P. Saini, The Then Concurrent Auditor/ Daily Auditor, Punjab National Bank, Majhaulia Branch, District- West Champaran.
6. Sri H.K. Jha The Then Officer, Branch Office, Punjab National Bank Majhaulia Branch, District- West Champaran.

.... Respondent/s

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Appearance :
For the Petitioner/s : Dr Harendra Kumar Singh, Advocate
For the Respondent/s : M/s Prashant Vedasen & Subhash Chandra Bose, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-05-2018

Heard learned counsel for the petitioner and the respondent-Bank.

2 The writ petition has been filed for quashing the final order dated 25.07.2012 issued by the Disciplinary Authority whereby the petitioner has been awarded the punishment of "compulsory retirement with superannuation benefits such as pension, provident fund and gratuity as would be due under the Rules prevailing at the relevant time without disqualification from future employment as per Clause 6 of the Bipartite Settlement dated 10.04.2002".

3 While the petitioner was working in the Bank, he had opened a recurring account for his own benefit. The substance of the allegation is that the petitioner had opened the RD Account No 2196 in his own name on 20.08.2001 for monthly installment of Rs 1,500/- for a period of 36 months that is three years for maturity value of Rs 82,373/- was due on 20.08.2004. The interest amount was credited in account ledger sheet revising the balance from 66,590/- to Rs 82,373/- and the account was closed with nil balance. It has been found in the proceedings that subsequently the above entries of crediting of interest and debit of amount were cancelled by striking the ledger sheet and the balance sheet so as to extend the recurring amount for a further period of 24 months and the same has been done without any initial of the officials. The petitioner has been found to misuse his position in the Bank for his personal gain so that he may be entitled to higher interest rate on the said RD account. It is also apparent from the record that earlier also in respect of the other charges, the petitioner has been punished by order dated 29.05.2001 whereby his salary has been broken down in two stages.

4 The charge memo was issued to the petitioner. Though adequate opportunity has been allowed to him to submit his written brief but he did not submit the same. Therefore, the enquiry has concluded without any written brief submitted by the petitioner following the procedure prescribed. The Disciplinary Authority after forwarding the enquiry report to the petitioner, has imposed the punishment upon the petitioner with reference to the material on record and the charges have been proved against the petitioner.

5 Learned counsel for the petitioner submits that the charges have been imposed upon the petitioner because he had raised the issue before the Consumer Forum that he was entitled to the interest on the recurring deposit account in question for a period of 5 years. He submits that he had not caused any financial loss to the Bank and the charges have been served upon him after about 2 and half years.

6 This Court would find that in the proceedings conducted against the petitioner, there has been full compliance with the procedural requirement and findings have been recorded with reference to the material before the authorities. Petitioner has not presented his written brief before the Enquiry Officer. The allegation is of making altercations, overwriting and cutting in the RD account and he has also tampered and destroyed relevant documents by misusing his official position with an intention to get higher interest for his personal gain. The case is one of financial loss. The writ petition has also been filed without annexing the charge memo or the proceeding before the Enquiry Officer. There is also insufficiency of pleadings in the instant writ petition inasmuch as documents which are relevant to examine the issue have not been annexed with the writ petition. As such, it is not possible for this Court to examine whether the submissions made by the petitioner is correct or not? Since the findings have been recorded by the authorities after affording full opportunity, this Court does not find any infirmity in the decision making process.

7 There is no occasion for this Court to exercise its jurisdiction on the writ petition filed by the petitioner which is devoid of merit. The writ petition is, therefore, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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