

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1475 of 2017

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1. The Chairman, Uttar Bihar Gramin Bank, Muzaffarpur.
 2. The General Manager, Uttar Bihar Gramin Bank, Muzaffarpur.
 3. The Regional Manager, Uttar Bihar Gramin Bank, Madhepura.
 4. The Inquiring Authority-Cum-Regional Manager (Officer Scale-III), Gopalganj
 5. The Disciplinary Authority-cum-Chairman, Uttar Bihar Gramin Bank, Muzaffarpur.
 6. The Appellate Authority-Cum-Chairman, Uttar Bihar Gramin Bank, Muzaffarpur.

... .. Appellant/s

Versus

Aman Kumar, Son of Triveni Prasad, Resident of Village-Kamanganj, Sultanganj, District Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prashant Vedasen, Adv.
For the Respondent/s	:	Mr. Bindhyachal Singh, Adv. Mr. Ram Binod Singh, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2018

Delay of 20 days in filing of the appeal is condoned
and I.A. No.7602 of 2017 is allowed and disposed of.

Seeking exception to an order dated 24.8.2017 passed
by the learned Writ Court in C.W.J.C. No.4855 of 2016, this appeal
has been filed by Uttar Bihar Gramin Bank, Muzaffarpur, under
Clause 10 of the Letters Patent.



Respondent Aman Kumar was working as an Office Assistant in the Branch Office of the Bank at Madhepura. It is alleged that during the period 15.7.2013 to 20th of July, 2013, when another Office Assistant of the Branch one Jawahar Lal Sah was on leave, the respondent employee is said to have misused his position and by making fictitious entries created I.P. addresses and password for the bank account and made certain transactions.

On the aforesaid allegation, a charge-sheet was issued to him making seven imputations and the enquiry officer, after conducting his enquiry, submitted his report vide his communication dated 24.12.2014 holding the employee guilty of the charges levelled against him i.e. from 1 to 6 and exonerated him of the charge No.7. The disciplinary authority discussed the issues and thereafter proposed for dismissal of the employee from service vide his communication dated 25th of March, 2015. That was accepted by the Bank and the respondent employee was removed from service.

Challenging his removal, the writ petition was filed and in the writ petition the learned Writ Court called for the original enquiry report, the evidence and material collected in the enquiry, scanned the findings of the Enquiry Officer and the reasons recorded by the disciplinary authority in the proposed



order dated 25th of March, 2015 and came to the conclusion that the findings are perverse, not supported by any evidence and found that even for various period when Jawahar Lal Sah was said to be absent, he was present and working in the Branch, as was made out from the statement of Jawahar Lal Sah and the letter given by him vide Annexure-16.

After analyzing the evidence and materials meticulously and applying the law laid down by the Hon'ble Supreme Court in the case of Union of India vs. H.C. Goel, AIR 1964 SC 364, the learned Writ Court came to the conclusion that in the enquiry no evidence was led, the Enquiry Officer only on the basis of presumption and assumption and suspicion held the charges proved, without there being any evidence, and interfered into the matter.

Having heard learned counsel for the parties, on considering the submissions made before us and on going through the report of the Enquiry Officer and the findings recorded by the Enquiry Officer, we find that the learned Writ Court has correctly arrived at the conclusion that the finding of the Enquiry Officer is a perverse finding. We concur with the same.

On a perusal of the report of the Enquiry Officer, we also find that the Enquiry Officer, except for reproducing the



allegations made and holding the same proved, has not discussed them at all and has not given any reason as to why charges are proved. In fact, the findings recorded by him are based on his own ipse dixit, without any cogent evidence and, therefore, the learned Writ Court has rightly interfered into the matter. We see no reason to take a different view than the one taken by the learned Writ Court.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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