

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18074 OF 2001

ORDER:

1. This writ petition is filed by the petitioner seeking to issue a writ of Mandamus declaring the order issued by the 1st respondent vide letter No.688/20/V/5333 dated 23.3.2001, whereunder the petitioner was dismissed from service, and which was confirmed by the 2nd respondent vide letter No.666/20/V/P-298/291, dated 19.6.2001, as arbitrary, illegal, disproportionate, without any evidence, and to set aside the same, and to issue a consequential direction to the respondents to reinstate the petitioner into service.

2. Heard Sri K.R. Srinivas, learned Counsel for the petitioner and Sri K. Lakshmi Narasimha, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was appointed on 15.6.1981 as a Clerk-cum-Typist and he was promoted to Junior Management Grade on 31.12.1984, and while he was working as such, the Chief Manager through his order dated 24.2.1999 placed the petitioner under suspension besides calling for explanation for certain irregularities committed by the petitioner during the period from 1993 to 1996, for which the petitioner submitted his explanation. Being not satisfied with the same, the 1st respondent

initiated enquiry and after completion of the enquiry, on the basis of the enquiry report, the 1st respondent dismissed the petitioner from service vide order dated 23.3.2001, against which, the petitioner preferred appeal before the 2nd respondent. The 2nd respondent confirmed the order of the 1st respondent dated 23.3.2001, vide order dated 19.6.2001. Challenging the same, the present writ petition is filed.

4. The learned Counsel for the petitioner contended that no loss was caused to the respondent-Bank, and that the petitioner acted as per the orders of his superiors, and no material was placed by the respondent-Bank before the enquiry officer to prove the charges levelled against the petitioner. Further, he contends that the punishment imposed on the petitioner is very disproportionate to the charges levelled against the petitioner.

5. On the other hand, the learned Standing Counsel for the respondents contended that the allegations against the petitioner were proved in the enquiry, and for the proven misconduct, the disciplinary authority imposed punishment of dismissal from service, and the appellate authority also confirmed the same, and the said punishment of dismissal from service is proportionate to the charges proved against the petitioner, and therefore, no interference is called for from this Court.

6. This Court has considered the submissions made by the parties and perused the material available on record. The material on record discloses that the petitioner committed serious irregularities in purchase of cheques without having discretionary powers and he colluded with the parties and resorted to conceal cash adjustments from one account to another. The allegations are serious in nature. Apart from that, the petitioner has not placed any material before this Court to show that principles of natural justice were not extended to him during the course of enquiry. Further, in view of the nature of the charges proved, this Court is of the view that the punishment imposed by the respondents is not disproportionate. Therefore, this Court is not inclined to interfere with the orders impugned.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 10th September, 2018.
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/09/2018

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