

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.16075 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings of the 2nd respondent in Ref.No.Bro/Per/772/2000, dated 10.2.2000 and the order of confirmation made by the 1st respondent-appellate authority vide proceedings dated 2.11.2000 as illegal and arbitrary.

2. Heard Smt. K. Udaya Sri, learned Counsel for the petitioner and Sri A. Krishnam Raju, learned Standing Counsel for the respondent-Bank.

3. It is the case of the petitioner that he was initially appointed as a clerk in the respondent-bank on 9.1.1974 and while he was working at Shamshabad Branch, on 20.7.1998 a show cause notice was issued to him alleging that he had indulged in cash irregularities, for which he submitted his explanation. Thereafter, on 31.8.1998 charge sheet was issued to him alleging that he deliberately put the total of receipts in his cash scroll as Rs.2,45,212/- instead of correct total sum of Rs.2,55,212/-. The petitioner submitted his explanation denying the charges levelled against him. Being not satisfied with the explanation submitted by the petitioner, the respondent-Bank initiated disciplinary proceedings and appointed enquiry officer. The enquiry officer after conducting enquiry

submitted his report on 16.7.1999 holding that the charge of committing fraud/misappropriation of Bank's funds is proved. The enquiry report was furnished to the petitioner on 28.7.1999, for which the petitioner submitted his objections on 30.8.1999. Then, the disciplinary authority initially proposed the punishment of dismissal vide memo dated 4.10.1999. An opportunity was given to the petitioner for personal hearing on 12.11.1999. Thereafter, the disciplinary authority imposed punishment of discharge without notice from the services of the bank with immediate effect with superannuation benefits and without disqualification of future employment, vide proceedings dated 10.2.2000. Challenging the said proceedings, the petitioner preferred appeal before the 1st respondent-appellate authority. The 1st respondent-appellate authority vide proceedings dated 2.11.2000 confirmed the order of the disciplinary authority. Aggrieved by the same, the present writ petition is filed.

4. The learned Counsel for the petitioner contended that the enquiry officer in his report while observing that there was no motive but there was shortage of cash and there were some alterations in the entries made in the record, gave a finding that alterations are there on other occasions but there was no shortage of cash, but in the instant case, there were alterations and there was also shortage of cash and that the charges are proved. She further

contended that the enquiry report was not appreciated by the disciplinary authority in a proper perspective and that the disciplinary authority without considering the objections raised by the petitioner imposed punishment of discharge from service.

5. The learned Standing Counsel for the respondent-Bank contended that the disciplinary authority and the appellate authority have considered the entire case in a proper perspective and imposed punishment of discharge from service with superannuation benefits and without disqualification for future employment and that as per the proceedings of the disciplinary authority, superannuation benefits, to which the petitioner is entitled, are being paid to him.

6. This Court has considered the rival submissions made by the parties and perused the material available on record. The learned Counsel for the petitioner could not point out any defects in the procedure in conducting the enquiry. Though the disciplinary authority initially proposed to impose punishment of dismissal, but after giving opportunity of personal hearing to the petitioner, it has taken a lenient view and imposed the punishment of discharge with superannuation benefits and without disqualification for future employment. Considering the nature of the charges proved against the petitioner, this Court is of the view that the punishment imposed by the disciplinary authority is proportionate to the charge

proved against the petitioner. This Court does not find any illegality in the orders impugned.

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

(ABHINAND KUMAR SHAVILI, J)

Dated: 20th August, 2018

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Dated: 20.8.2018

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