IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 30.04.2018

CWP No.14019 of 2015

Rajender Kumar ...Petitioner

Vs.

Sarva Haryana Gramin Bank & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sandeep Parkash Chahar, Advocate, for the petitioner.

Mr. Bhushan Bhatia, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

The guilt was admitted. The petitioner was an Office Assistant in the respondent Bank. On 05.12.2012, a customer, namely, Kashmir Singh came to deposit ₹15,000/- in his loan account with the respondent Bank and in good faith he handed over the said amount to the petitioner for crediting into his loan account, but the amount was not credited. When the customer came back to deal with the account, he discovered that ₹15,000/- have not been credited in his account. He made a complaint. The Manager looked into the complaint and asked for the petitioner's explanation. The petitioner admitted his guilt and deposited the said amount in the account of the customer. The petitioner was charge-sheeted for major misconduct. In the enquiry, the charge was proven. The procedure was followed by the Bank and ultimately the enquiry report was furnished to the petitioner for inviting his objections to the findings of the enquiry officer. The petitioner filed his objections, which were considered and decided by the Punishing Authority and he was on a consideration of the materials on record inflicted with the punishment of removal from service, which shall not be a disqualification for future employment. The punishment was lighter than dismissal from service. The petitioner preferred an appeal to the appellate authority in the Bank. The appeal was considered and rejected on 13.12.2013 against which the petitioner has approached this Court in challenge to the removal order.

Mr. Sandeep Parkash Chahar argues that show cause notice was not issued to the petitioner for imposing punishment, thereby meaning that second show cause notice not served on quantum of punishment. The second argument is that petitioner's length of service of 30 years and odd in the Bank was not considered while removing him from service.

The first contention has to be rejected for the reason that issuance of second show cause notice is not required by law so long as the delinquent has been given reasonable opportunity to file objections to the enquiry report and to show that he was innocent of the misconduct. The second argument has to be overruled for the reason that all dismissals and removals are deprivation of livelihood and that is the result of infliction of punishment. Sympathy has no place in this setting. The Court cannot dilute the punishment chosen by the administrator of penalty unless it has been imposed arbitrarily, excessively and disproportionately to the gravamen of the misconduct. Employees of Banks are in fiduciary relationship with the employers and customers on standards of absolute good faith. The highest standard of ethics is required in discharge of banking duties so that the image of the Bank is not lowered in the investing public. If a customer loses faith in the Bank, it would jeopardize the banking system and bring it in disrepute. See my judgment in a case of temporary embezzlement in a bank and its aftermath in Darshan Singh Vs. Canara Bank & Others, 2017 (3) S.C.T. 786.

Accordingly, this Court is of the considered view that interference in this case is not called for in the punishment.

For these reasons, the petition is dismissed.

30.04.2018 **[RAJIV NARAIN RAINA]**
Vimal **JUDGE**

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*