IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

231 **CWP-2925-2015 (O&M)**
Date of decision:11.01.2018

Pritam Singh Behl

....Petitioner

Versus

Punjab and Sind Bank and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. H.C.Arora, Advocate for the petitioner.

Mr. R.Kartikeya, Advocate for the respondents.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged orders of disciplinary and appellate authorities dated 20.06.2013 and 25.10.2013 (Annexures P3 and P5 respectively).

2. Petitioner while working as a Branch Manager, Gurdaspur during the period from April, 2010 to 31.08.2011 due to his alleged negligence had allowed to draw money for two cheques for a sum of Rs.6500/- and Rs.10,000/- by means of cash on 14.03.2011 and 28.05.2011 by the

husband of Surinder Kaur Behl (Account holder). Later on respondent-Bank have noticed that one Sh. Ranvir Singh Behl, Senior Manager husband of the account holder was making illegal transaction in which it was noticed by the respondent-bank that petitioner had allowed to withdraw cash for a sum of Rs.6500/- and 10,000/- by Sh. Ranvir Singh Behl from his wife's account. When the respondent-Bank examined the signatures of the account holder it was found that it was a forgery. Thus, petitioner was charge-sheeted in the disciplinary proceedings. Similarly Sh. Sukhdev Singh and Sh. Pratap Singh Bhalla were charge-sheeted for identical misdeeds. All the three were punished in the departmental inquiry and following punishments were ordered:-

Name of officer	***PF Code***	***Allegation Proved***	***Punishment awarded***
PARTAP SINGH BHALLA	P-02262	He passed a cheque No. 603521 dt. 24.05.2011 for Rs.10 Lacs issued by M/s Pushap Agro (P) Ltd. and credited the amount in SB 29209 of Smt. Surinder Kaur Behl and partly in SB21087 of Prabodh Kumar for Rs. 5 Lacs vide DL No. 5646	Reduction to a lower stage in the time scale by two stages. The reduction will have the effect on his terminal dues under regulation 4(f) of PSB Employees (Disc. & Appeal) Regulations-1981.
SUKHDEV SINGH	S-05126	Passed certain payments in SB a/c 29209 of Smt. Surinder Kaur Behl w/o Sr. Manager, Ranvir Singh Behl B/O Gurdaspur : 17.12.2011-to cash-Rs.30000/- 17.12.2010-to cash-15000/-	Reduction to a lower stage in the time scale by two stages. During the reduction he will not earn any increment As he is retiring on 31.03.2014. The reduction will have the effect on his terminal dues under regulation 4(f) of PSB Employees (Disc. & Appeal) Regulations-1981.

Name of officer	***PF Code***	***Allegation Proved***	***Punishment awarded***
PRITAM SINGH BEHL (MYSELF)	P-02560	That he approved/passed two transactions from SB a/c No. 29209 of Smt. Surinder Kaur for Rs.6500 on 14.03.2011 and Rs.10000 on 28.05.2011. The signatures of Smt. Surinder Kaur on the withdrawl form are different than the signatures on the AOF.	Reduction to a lower stage by three stages in the time scale of pay on **permanent basis** as he is retiring from services on attaining the age of superannuation on 31.08.2014 and he will not earn increment during this period. The reduction will have the effect on his terminal dues.

Thus, petitioner has presented this petition in challenging the decisions of disciplinary and appellate authorities.

3. Learned counsel for the petitioner submitted that petitioner has rendered 37 years of unblemished service records. Merely allowing Senior Manager-Sh. Ranvir Singh Behl to produce the cheque for withdrawal in cash on behalf of his wife by the petitioner on two occasions imposing major penalty may not be correct because in the routine course transaction would be in vogue, in the branch. Under the belief of the Senior Manager Sh. Ranvir Singh Behl in good faith petitioner has not examined the cheques presented by Sh. Ranvir Singh Behl to the extent whether is it forged signature of the account holder or not. Thus imposing major penalty may not be correct. It was also further contended that similarly situated persons like Sh. Partap Singh Bhalla and Sh. Sukhdev Singh who have also similarly permitted to withdraw a sum of Rs.10 Lacs and Rs.45,000/- they have been imposed lessor punishment than the punishment imposed on the petitioner. To that extent there is discrimination. The said issue was

apprised before the appellate authority. Appellate authority has not considered this contention while passing order on 25.10.2013. Hence appellate authority's order is liable to be set aside.

4. Per contra, learned counsel for the respondent-Bank while resisting claim of the petitioner submitted that it is a clear case of forgery committed by Sh.Ranvir Singh Behl while presenting cheque for withdrawal of Rs.6500 and 10,000/- on 14.03.2011 and 28.05.2011. Petitioner being Branch Manager he should have taken care of before permitting Sh. Ranvir Singh Behl or any other customer since Bank is transacting with the money of the customers. Learned counsel for the respondent-Bank also disputed relating to unblemished service of the petitioner since petitioner was subjected to disciplinary proceedings on early occasion also. Therefore, there is no infirmity in imposing major penalty. It was further contended that appellate authority after due examining the entire records has upheld the decision of the disciplinary authority. Therefore, no infirmity is forthcoming from the order of the disciplinary or appellate authorities.

5. Heard learned counsel for the parties.

6. It is true that petitioner was serving a financial institution. He being a Branch Manager should have been taken care of while permitting money transaction, for the reasons that bank is a financial institution and transactions are being made with reference to customers' money and they trust Bank and its employees. However in good faith petitioner allowed transaction of Sh. Ranvir Singh Behl-Senior Manager who has presented two cheques of his wife for withdrawal of cash of Rs.6500 and Rs10,000/- on 14.03.2011 and 28.05.2011. It is human tendency that if an officer is dealing with any

transaction or official correspondence of his senior in good faith transaction would be made without any suspicion. Therefore, he has allowed withdrawal of cash of Rs.6500/- and Rs.10,000/- with reference to forged cheques presented by Sh. Ranvir Singh Behl, Senior Manager. To some extent there is negligence on the part of the petitioner in not noticing or verifying the signatures. Having regard to these facts and circumstances read with imposition of penalty on Sh. Partap Singh Bhalla and Sukhdev Singh who have been imposed lessor penalty than the petitioner even though cash transaction is higher than the petitioner like Partap Singh Bhalla had dealt with Rs.10 Lacs whereas Sh. Sukhdev Singh dealt with Rs.45,000/- on the other hand, petitioner has transacted a sum of Rs.16,500/-. Therefore, imposition of major penalty so also different penalty than the imposed on Sh. Partap Singh Bhalla and Sh. Sukhdev Singh amounts to discrimination. Such contention urged before the appellate authority has not been taken into consideration appropriately. To that extent there is no speaking order. Therefore, appellate authority's order dated 25.10.2013 (Annexure P5) is set aside. Appellate authority is hereby directed to re-examine insofar as discrimination in imposing the penalty on the petitioner read with the imposition of penalty on Sh.Partap Singh Bhalla and Sh.Sukhdev Singh and pass a fresh order on the petitioner's appeal within a period of 3 months from today.

7. CWP stands allowed in part.

(P.B.BAJANTHRI)
JUDGE

11.01.2018
pooja saini

Whether speaking/reasons Yes/No

Whether Reportable: Yes/No