

**CM-305-306-LPA-2016 in/and
LPA-154-2016 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-305-306-LPA-2016 in/and
LPA-154-2016 (O&M)
Date of Decision: August 13, 2018**

R.K.Sharma

.....Appellant

Versus

The Central Bank of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Shiv Kumar, Advocate for the appellant.

Mr.Alok Jagga, Advocate for the Bank.

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SURYA KANT, J.(ORAL)

This Letters Patent Appeal is directed against the order dated July 16, 2015 whereby learned Single Judge dismissed the appellant's writ petition and has up-held the order of his dismissal from service as well as those passed by the Appellate and Reviewing Authorities.

[2] The appellant was working as Assistant Manager with respondent No.1-Bank. He was subjected to disciplinary action on the allegations that he failed to check genuineness of transaction while passing the debit and credit entries of pension and Nominal pension accounts; he did not follow the proper banking procedure such as preparation of Debit and credit vouchers; he passed and authorised most of the debits to Nominal pension accounts without even tallying the total amount of pension scroll

with debit amount of IBCA; and that he did not observe the abnormal

amount of transaction in the staff account of one Ravi Kumar Bhatia, where large scale of fake credits were given.

[3] The enquiry was ordered in which the appellant admitted his guilt and consequently the charges were proved. There were other officials, namely, P.L.Dua, H.S.Uppal, I.J.Lakra and R.K.Bhatia, who were also charge-sheeted and they too also admitted their guilt. The Disciplinary Authority dismissed the appellant and one R.K.Bhatia from service, whereas other employees were subjected to minor punishments. The appeal and review petition filed by the appellant were also turned down.

[4] Before the learned Single Judge as well as in this appeal, one of the plea raised by the appellant is that he had 31 years service to his credit and since no allegation of embezzlement and misappropriation was proved, the Bank authorities ought to have taken a lenient view while awarding punishment. He also alleges discrimination regarding quantum of punishment as according to him P.L.Dua, H.S.Uppal etc. have been allowed to go scot free by giving minor punishments.

[5] We have heard learned counsel for the parties and gone through the record. The scope of interference in disciplinary proceedings while exercising the powers of judicial review has its own self controlled limitations, for this Court would not sit over the orders of disciplinary authorities like an Appellate Authority. The question of length of service of the appellant viz-a-viz the quantum of punishment awarded to him has been dealt with by the bank authorities. Similarly, it has been explained that the appellant cannot claim parity with P.L.Dua as it was the later who suspected

the fraud and reported to the authorities. Similarly, the duties assigned to H.S.Uppal, Sr.Manager were later on changed. R.K.Bhatia, who appears to be real beneficiary of fraudulent transactions, has also been dismissed from service.

[6] Learned Single Judge has also considered the question of quantum of punishment in the light of decisions of the Hon'ble Supreme Court, which are referred to in extenso. Taking into consideration the totality of the circumstances, no case to interfere with the order under appeal is made out.

[7] Dismissed.

**(SURYA KANT)
JUDGE**

August 13, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |