IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 1349 of 2018 (O&M)
Date of decision: 05.09.2018

Harpreet Singh Oberoi

… Appellant

Versus

Syndicate Bank through Chairman and others

… Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Manish Prabhaker, Advocate, for the appellant.

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This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 30.04.2018, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant assailing the orders of his dismissal from service dated 31.12.2013, as also the Appellate Authority dated 23.07.2014, whereby it was affirmed, has since been dismissed.

The petitioner was employed as Assistant Manager with the respondent Bank. A disciplinary inquiry was initiated against him, for, he was accused of unauthorized and fraudulent financial transactions including heavy cash withdrawals beyond his known source of income. Though referred to even by the learned Single Judge in the impugned judgment, but in context of the issue that arise for consideration and for facility of reference it indeed would be imperative to refer to the charges for which an inquiry was held against him:-

> ***"You were working as Asst. manager at Sahapura Branch since 7.5.2012 and until you were placed under suspension on 15.05.2012. Prior to that you worked as Asst. Manager at Amritsar Ranjit Avenue Branch during the period between 22.10.2010 and 28.04.2012 and while working as such, you abused your official position and unauthorisedly and prematurely closed FD for Rs.4.00 lakh and issued 3 VCCs and credited interest earned on such prematurely closed deposit to your SB a/c; you had against those three VCCs, arranged one ODD, account for the party and unauthorisedly arranged another two Odd accounts in party's name but utilized the proceeds for yourself; you had unauthorisedly arranged another ODD account and transferred proceeds to your SB a/c on different dates and utilized such amount towards payment of your credit card dues, payment towards your loan account transfer of funds through NEFT to your a/c and also for closure of two ODD accounts opened fraudulently by you. Further, when you were transferred to Sahapura branch, you attempted to arrange another fictitious LD in the name of Simran against the deposits of a third party fraudulently; you unauthorisedly used the passwords of various staff/officials of both the branches to put through these fraudulent transactions; you had opened and operated 5 different SB accounts in your name at three different branches of the Bank and also put***

through these unauthorized and fraudulent transactions including heavy cash withdrawals beyond your know source of income. In the process you committed various other irregularities and derived undue pecuniary benefit and tarnished fair image of the Bank in the eyes of public".

Upon a reply having been filed by the appellant to the charge sheet, a disciplinary inquiry was held against him. And, on a conclusion of the inquiry proceedings the Inquiry Officer found the appellant guilty of the alleged misconduct and forwarded his report. Appellant was served with a show cause notice and a reply thereto was filed. Whereupon the disciplinary authority on a consideration of the matter reached a conclusion that appellant Harpreet Singh while working as Assistant Manager at Amritsar Ranjit Avenue Branch, abused his official position and unauthorizedly closed FD of Rs.4 lakh before the date of maturity and issued three VCCs and credited interest earned on such pre maturely closed deposit in his saving bank account. Against those three VCCs he arranged one ODD account for the party and unauthorizedly arranged another two ODD accounts in party's name but utilized the proceeds himself. Likewise, he unauthorizedly arranged another ODD account and transferred the proceeds therefrom to his saving bank account on different occasions and utilized the said amount to defray the payment of his credit card dues as also towards payment in his loan account. Not just that while he was transferred to Sahapura Branch he unauthorizedly used the password of various staff/officials of both the branches to carry out these fraudulent transactions. He had opened and operated 5 different savings bank accounts in his name in three different branches of the bank through which he carried out numerous unauthorized and fraudulent transactions. Thus, he committed serious irregularities and derived undue pecuniary benefits. Still further while working at Sahapura Branch he even attempted to arrange another fictitious LD in the name of one Simran against the deposits of a third party and tarnished the image of the bank. Therefore, he was guilty of a mis-conduct within the meaning of regulations No.3(1) read with Regulation No.24 of Syndicate Bank Officer Employees' (Conduct) Regulations 1976, and accordingly was dismissed from service. Even the Appellate Authority upon a detailed analysis of the matter concluded that no new militating factor was brought on record by the appellant to re-visit the issue of penalty imposed by the disciplinary authority.

Learned counsel for the appellant submits that all the transactions that were carried out by the appellant, and formed basis of the article of charges as also the statement of imputations, relate to his close relatives for which he had oral authorisation from the account holders/his relatives. Further, he was not being accused of having misappropriated the customers' accounts, the fact that was not considered by the authorities.

Even though, the transactions carried out by the appellant or the account holders who's accounts he operated were of his relatives but the matter in issue is required to be analyzed and determined from a perspective that respondent is a financial institution and the appellant being employed in a banking sector was required to maintain unquestionable integrity, whereas, he grossly compromised the faith and trust upon which the very relationship between the bank and its employee survive or is predicated. His conduct was detrimental to the interest of the bank. In short, the institution had lost trust in him.

In conspectus of the above, we are dissuaded to interfere with the order passed by the disciplinary authority as also the impugned judgment rendered by the leaned Single Judge.

The appeal being devoid of merit is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

05.09.2018
Manoj Bhutani

Whether speaking / reasoned: YES
Whether Reportable: NO