IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-170-2017 (O&M)
Date of Decision:-30.04.2018.

D.R. Gur

.....Appellant

Versus

UCO Bank through its Chairman-Managing Director and others

......Respondents

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

****

Present: Mr. Ashok Gupta, Advocate and
Mr. Eklavya Gupta, Advocate for the appellant.

****

P.B. BAJANTHRI, J. (Oral)

In the instant appeal, appellant has assailed the Trial as well as Appellate Court judgment dated 27.03.2014 and 13.09.2016.

2,) Appellant while working as MMGS-III he had sanctioned certain loan amount which was not in accordance with the guidelines of the respondent-Bank for the purpose of extending the benefit of loan to the borrower. The respondent-Bank noticed the irregularities committed by the appellant to the extent of violation of guidelines in respect of disbursement of loan. Charge-sheet was filed on 21.01.2006. It was concluded in imposing the penalty of dismissal from service by the disciplinary authority and it has affirmed by the Appellate Authority. Thereafter, reviewing authority modified the penalty of dismissal to that of compulsory retirement on the score that he had noticed that account had been adjusted through compromise settlement among the Bank and the borrower. Still aggrieved by the order of reviewing authority dated 15.07.2008 by which penalty of dismissal modified to that of compulsory retirement. Appellant filed suit before the Trial Court challenging these orders. Trial Court rejected the suit. Thereafter, he has filed an appeal before the Appellate Court wherein also he suffered order. Hence, the present appeal.

3.) Learned counsel for the appellant submitted that reviewing authority has examined the allegations and also come to the conclusion that the allegations were not relating to violation of guidelines. Further there is an adjustment of amount through compromise settlement among the parties, therefore, there is no loss caused to the respondent-Bank in respect of disbursement of loan amount to certain parties which was subject matter of charge-sheet. Therefore, once the reviewing authority has come to the conclusion that there is an adjustment through compromise, consequently, modification of penalty of dismissal to that of compulsory retirement would be still on higher side since appellant had not committed any illegalities or irregularities insofar as violating the guidelines in respect of disbursement of loan to the parties.

4.) Heard the learned counsel for the appellant.

5.) The contention of the appellant is that reviewing authority while examining the review against the order of disciplinary as well as appellate authority has examined with reference to allegation Nos.1 to 4 wherein it has been stated that allegations relating to 1 to 3 have been adjusted through Compromise Settlement for ₹ 39 lacs against the book balance of ₹ 40.55 lacs (notional balance of ₹ 52.40 lacs). It was also noticed that the party did not deposit compromise amount timely and property was sold for ₹ 40 lacs out of which ₹ 1 lac was paid to the recovery agents and ₹ 30,000 were paid as advertisement expenses thus sacrificing a sum of ₹ 13.70 lacs. Insofar as allegation No.4 is concerned, it was observed by the reviewing authority to the extent that M/s Shiv Sohna Foods has deposited a sum of ₹ 1,26,00,000/- as compromise amount against the notional balance of ₹ 1,32,29,805/- and the the accounts stands adjusted. Thus, bank had to sacrifice ₹ 6,29,805/- in the compromise. These are the necessary material which is required to be taken into consideration for the purpose of whether reviewing authority has done justice in disposing review application of the appellant or not? Merely entering into compromise that does not wipe out the allegations made against the appellant to the extent of irregularities committed by him while disbursing the loan amount to the parties i.e. in violation of guidelines issued by the Bank in respect of disbursement of loan amount to the borrowers. Therefore, merely compromise entered between the parties would not give any right to the appellant so as to interfere with the reviewing authority decision dated 15.07.2008 insofar as modification of penalty from dismissal to that of compulsory retirement. That apart it is evident that there is a financial loss to the respondent-Bank.

6.) Accordingly, appellant has not made out a case.

7.) Appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

April 30, 2018.
sandeep

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.