IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4908 of 2016

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Vinay Kumar Dubey son of late Kalika Prasad Dubey resident of village Agini, Post Office Sikaria via Takia Bazar, Police Station Darigaon, District Rohtas at Sasaram, presently posted as Concurrent Auditor at Principal Office, Madhya Bihar Gramin Bank, Head Office, Patna.

... ... Petitioner

Versus

1. The Chairman- Cum -Disciplinary Officer, Madhya Bihar Gramin Bank Head Office Meena Plaza, South of Museum Patna-1
2. The Appellate Board/Directorate of Madhya Bihar Gramin Bank, Patna - 800001.
3. Shri Ravindra Nath Trivedi, Enquiry Officer-cum-Senior Manager, Madhya Bihar Gramin Bank, Regional Office, Sasaram

... ... Respondents

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Appearance :

For the Petitioner : Mr.K.N. Choubey, Sr. Advocate with Mr.Ashok Kumar Garg, Advocate
For the Respondent-Bank : Mr.Suresh Prasad Singh No. 1 with Ms. Rashmi Kumari, Advocates

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
Date : 14-11-2019

Heard learned Sr. counsel for the petitioner as well as learned counsel representing the respondent-Bank.

2. The petitioner has sought quashing of order dated 14.9.2015 whereby and whereunder the punishment dated 12.06.2015 passed by the Chairman-cum-Disciplinary Authority of the Bank has been affirmed. The Disciplinary Authority, under order dated 12.06.2015, has awarded the petitioner the punishment of reduction to five (05)

lower stage in the time scale of pay till his retirement.

3. A relevant fact which is being taken note of is, that immediately thereafter, i.e. within eight (08) months from passing of the order of punishment dated 12.06.2015, the petitioner has retired on 29.02.2016. The punishment, therefore, has effected the petitioner’s entitlement for a very small period of eight (08) months.

4. It is submitted by the learned Sr. counsel representing the petitioner that the allegation against the petitioner was that he had committed an irregularity by sanctioning a loan account. Referring to the charge memo dated 13.02.2014, he submits that the allegation of violating the established norms for ‘Pre -Sanction Appraisal’ is *per se* unsustainable, having regard to the fact that the loan was of such magnitude that the petitioner did not have the Authority to sanction the same. The loan limit in respect of the sanction was under competence of the Head Office only. In these circumstances, since the sanction has been

accorded by the Head Office, petitioner cannot be saddled with any liability/responsibility in sanction of the loan in question. Another submission advanced by the learned Sr. counsel is that none of the higher Authorities who are responsible for the sanction of the loan have been punished.

5. The learned counsel representing the Bank, on the other hand, submits that the role of the petitioner in the process of ‘Pre- Sanction Appraisal’ is admitted. The counsel for the Bank, referring to the averments made in paragraph No. 18 of the counter affidavit, submits that the petitioner cannot absolve himself of his responsibility by referring to the fact that sanction was by the Head Office since the loan limit was under the competence of the Head Office only. He submits that the Head Office would not have sanctioned the loan unless the petitioner did not submit the ‘Pre- Sanction Appraisal Report’ with a duly filled up loan proposal, the requisite valuation report, NEC, LPC, CRR and other requisite documents of the mortgaged property. Appraisal of

these documents prior to sanction was within the jurisdiction of the petitioner. It was on basis of this 'Pre- Sanction Appraisal' that the Head Office being the competent Authority had accorded sanction. In respect of 'Pre-Sanction Appraisal' the petitioner acted independently and was not under dictates of any higher Authorities.

6. On consideration of the rival submissions, this Court would observe that the petitioner cannot be permitted to shirk from his responsibility of carrying out the 'Pre-Sanction Appraisal'. It is not his case that he was not responsible for the same. He has merely made an attempt to shift the responsibility for sanction of the loan upon the higher Authorities, having regard to the loan limit, which was only under the competence of the Head Office.

7. The other submissions of the petitioner regarding some procedural irregularities have not been gone into by this Court since the petitioner's responsibility at the 'Pre- Sanction Appraisal' is not denied or disputed. The said fact having been

admitted, merely for the fact that the sanction has been accorded by the Head Office relying upon 'Pre- Sanction Appraisal' done by the petitioner is not sufficient to absolve the petitioner of his responsibility for sanction of the loan in-question.

8. This Court has already taken note of the fact that the petitioner has suffered the effect of the order of punishment merely for a period of eight (08) months, i.e. from the date of punishment till his retirement.

9. The totality of the facts and circumstances are such that there is no occasion for this Court to interfere with the order of punishment.

10. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
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