IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No 5204 of 2016

Pawan Kumar Sharma, s/o – Shree Lal Sharma, c/o - Sri Ram Vastra Bhandar, Gola Road, Dumraon, P.S. - Dumraon Distt. - Bhojpur, now Buxar, Branch Manager (now compulsory retired), Madhya Bihar Gramin Bank, Kharhatand, Buxar.

... ... Petitioner/s

Versus

1. The Madhya Bihar Gramin Bank through its Chairman, Head Office – Meena Plaza, South of Museum, PS – Kotwali, Town & District - Patna
2. The Chairman -cum- Disciplinary Authority, Madhya Bihar Gramin Bank, Head Office - Meena Plaza South of Museum, PS – Kotwali, Town & District - Patna
3. The General Manager, Human Resources Development Department, Madhya Bihar Gramin Bank, Head Office – Meena Plaza, South of Museum, PS – Kotwali, Town & District - Patna

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No-1

For the Respondent/s : Mr.Mahesh Narayan Parbat

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 07-11-2019

Heard learned counsel for the petitioner and the learned counsel appearing for the Bank.

2 The petitioner, while serving as a Manager in the respondent-Bank, was proceeded against on allegations of having sanctioned 816 Kisan Credit Cards (for brevity, KCC). The allegation is that on the basis of false no dues certificate, the KCC loans were sanctioned.

3 After a duly constituted proceedings, the petitioner has been visited with the punishment of compulsory retirement by order dated 23.05.2015 issued by the Disciplinary Authority. Against the same, petitioner preferred an appeal. The Chairman -cum- Appellate Authority of the Bank has rejected the appeal of the petitioner under order dated 15.10.2015. Both these orders are assailed in the instant proceedings.

4 Learned counsel for the petitioner has submitted that the manner in which the Enquiry Officer has articulated his conclusions in the Enquiry Report is a clear indication of his predisposition. The Enquiry Officer has travelled beyond his brief by saying that the petitioner's conduct was contrary to the Rules. He has further submitted that the loans were sanctioned in respect of applicants against whom there were actually no dues pending and, therefore, the charges on the basis of which he has been punished are false.

5 The last submission is in two parts, (i) that the loans were sanctioned against extreme pressure of the Authorities and at that time, the petitioner was working alone in the Bank. In the said circumstances, some oversight might have occurred and, therefore, the extreme punishment should not be inflicted on the petitioner.

6 Learned counsel for the Bank, on the other hand, submits that the submission of the petitioner does not raise any procedural infirmity during the conduct of the proceedings against the petitioner. In absence of any procedural infirmity being alleged, this Court should refrain from exercising of judicial review under Article 226 of the Constitution of India. It is further submitted that the fact that fabricated no dues certificates were relied upon for sanctioning the loans had been proved in the enquiry. It is also the submission of the learned counsel for the Bank that the Authorities had the option of inflicting graver punishment. They have themselves restricted their discretion to grant compulsory retirement which entails grant of retiral benefits to the petitioner. The complain of the petitioner that the punishment is excessive or disproportionate, therefore, is legally untenable.

7 Upon considering the rival submissions, this Court would observe that the petitioner has not raised any procedural infirmity in the conduct of proceedings. Secondly, articulation of the conclusions by the Enquiry Officer is to the extent that the charges have been proved. Merely because he has also reported the conduct of the petitioner to be contrary to the Rules of the Bank, does not in any manner indicate any predisposition. As such, conclusions are only natural since the Enquiry Officer was to examine whether the charges which included violation, misconduct, as per the Bank Rules, were proved or not. The conclusions of the Enquiry Officer are not such that even reasonable likelihood of bias can be raised by the delinquent.

8 The pressure of performance of duties within the organization cannot be a plea which can be entertained by this Court to overlook the sanction of 816 loans on the basis of false no dues certificate. The punishment also is not excessive as the level of integrity and conduct required from an official of the Bank is of a very high degree. The petitioner has violated the said expected degree of conduct and, therefore, the punishment does not require any interference.

9 The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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