

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13385 of 2014

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Bam Shankar Pathak son of Sri Krishnadeo Pathak, resident of Sipahi Tola,
P.S.- Purnea, Town and District- Purnea

... .. Petitioner/s

Versus

1. The Chairman State Bank Of India and Ors
2. The Chief General Manager, State Bank of India, Local Head Office, West Gandhi Maidan, Patna
3. The General Manager, State Bank of India, Local Head Office, West Gandhi Maidan, Patna.
4. Branch Manager, Simdega

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate.
	:	Md. Abu Haider, Advocate.
For the Respondent Bank:	:	Mr.Sanjiv Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-07-2019 Heard learned senior counsel for the petitioner and
counsel for the respondents-State.

Petitioner has been proceeded against for certain charges which were communicated to the petitioner by charge Memo dated 03.09.2011.

The essence of allegations was that personal loan was sanctioned to one Sumindra Manjhi, who had expired on 18.09.2009 and therefore, he could not avail the sanctioned loan amount. The loan amount is alleged to have been misappropriated by the petitioner and on such charge, he has been proceeded against.



Learned senior counsel submits that petitioner was not responsible for the lapse as it was Branch Manager who was responsible for the entire issue.

Learned senior counsel further submits that on realizing his mistake the petitioner, in fact, has deposited the amount in the bank account and as such the conduct of the petitioner could not be construed with such gravity as it has been done by the authority. Re-deposit of the amount upon realization of the mistake is a mitigating factor which is required to be considered by the authority while arriving at the conclusion regarding quantum of punishment. He further submits that the issue should be examined from this aspect.

Matter was adjourned on the last occasion to allow counsel for the Bank to examine service rules as to under which provision quantum of punishment could be minimized.

Counsel for the Bank submits that jurisdiction is there in the reviewing authority under Rule 16(3) of Service Rules. Counsel for the Bank further submits that the petitioner should give written request for such exercise of review.

In view of the said submissions, this Court would direct that the petitioner may file application for minimizing the quantum of punishment within four weeks. In the event same is



done, it should be disposed of within a period three months
thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

T.Kr./-s.hassan

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