

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.1918 of 2019 (O&M)
Date of decision : 28.03.2019

Kuldip Singh

...Petitioner

Versus

Punjab National Bank and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

ARUN MONGA, J. (ORAL)

The present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari for setting aside of impugned orders dated 15.10.2016 (Annexure P-6), 01.02.2018 (Annexure P-7) and 06.10.2018 (Annexure P-8) passed by respondents No.3, 2 and 1 respectively.

2. Learned counsel for the petitioner contends that the delinquency attributed to the petitioner is that he committed a fraud to the tune of Rs.4,53,900/- by debiting the amount from 18 different accounts vide 45 debit entries of different dates and credited the amount into his own savings account Nos.1323000100082549 and 1373000200037385.

3. He submits that the Punishing Authority, while passing the impugned order dated 15.10.2016 (Annexure P-6), completely overlooked

the defence of the petitioner qua having furnished a joint statement of all the 18 account holders, stating that, all the 45 entries of transferring the money from their accounts to the accounts of the petitioner/cashier was under their instructions and in view thereof, they had requested that charge-sheet issued against the petitioner be dropped. He further contends that the Punishing Authority, while passing the impugned order, has committed grave error in observing that the said joint statement has been procured by the petitioner subsequently from the affected account holders and therefore, the same could not be considered in the defence of the petitioner.

4. On a query posed by this Court, no plausible justification has been given by learned counsel for the petitioner as to why account holders gave instructions to the cashier of the bank to transfer the money from their accounts to his personal accounts. In order to support his argument that the said entries were under the consent of the account holders, learned counsel has drawn my attention to the appellate order wherein it has been observed that the entries made and posted by the petitioner were verified at the time of day end activities through TV(transaction verified). He submits that once the said entries were verified, the issue of remittance of the same to the personal accounts of the petitioner loses its significance.

5. I am afraid that the argument of the learned counsel for the petitioner is completely misplaced. In the impugned order dated 15.10.2016 passed by the Punishing Authority a clear finding, based on reasons, has been given that in the course of enquiry, it has been proved that the petitioner has debited different accounts of customers on different dates without mandate in an unauthorized way, the details whereof were given in

the charge-sheet dated 18.02.2016(Annexure P-2). A clear finding has also been rendered that the petitioner credited the said amount in his own accounts, by using his user ID and password. The petitioner, at the relevant time, was working as a cashier and nature of the delinquency is a serious and gross misconduct and cannot be condoned.

6. The subsequent joint statement obtained by the petitioner that the above said remittance were under the instructions of the account holders is therefore, of no consequence, and once it has been proved at the first instance that all the 45 entries were without any mandate, as already noted above. If it is assumed that there was mandate by the account holders, nothing has been placed on record to show as to why the said money was transferred to the personal accounts of the cashier by these account holders.

7. In view of my above discussion and reasons contained therein, there is no ground to interfere with the impugned order passed by the Punishing Authority and the same has rightly been upheld by the Appellate as well as Revisional Authority.

8. The writ petition is accordingly, dismissed, with no order as to costs.

28.03.2019

rakesh

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned:-Yes/No

Whether reportable:- Yes/No