

Sr. No.211

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

CWP No.13025 of 2016 (O&M)

Date of Decision: 05.09.2019

Dal Chand

... Petitioner

Versus

State Bank of Patiala and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Satish Chaudhary, Advocate,
for the petitioner.

Mr. A.K.Ahuja, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

On a perusal of the charges framed in the departmental charge-sheet at Annexure R-3 vis-a-vis the charges the criminal proceedings arising out of FIR No.399 dated 24.07.2008, under Sections 409 and 420 of IPC, registered at Police Station Jhajjar culminating into the trial Court's judgment (Annexure P-5) (as reflected in para 3), I am of the opinion that qua the penalty in the departmental proceedings, the petitioner is not entitled to any benefit of his acquittal on benefit of doubt in the criminal trial.

2. Pursuant to the departmental inquiry proceedings the petitioner was indicted of charge Nos.1, 2, 3 and 6, which are as below:-

“Charge No.1

You left the cash on the cash counter, while leaving the cash cabin for lunch. In terms of Book of Instructions

Chapter A-8 Para 18.4, the cash counter should have work table at the lower level where drawer for keeping cash will be fitted and these drawers should have appropriate locking arrangements. The cash was not kept in drawers, which had appropriate locking arrangements. Cash was missing from the cash counter. This is in violation of instructions contained in Book of Instructions chapter A-8 Para 18.3 that cashier may leave the cabin only after ensuring that the cash is safely locked.

Charge No.2

You vide your letter dated 13.05.2008, had stated that after taking lunch, when you came back to cash cabin, you observed that you had locked the lock properly but the door was not bolted properly. You then bolted the cash cabin properly and left to meet the doctor. In your letter dated 15/05/08, you stated that after taking lunch you observed that cash cabin was locked but the bolt was on the wrong side and thereafter you bolted the cash cabin properly. So, you did not lock cash cabin properly from outside, when you went during lunch break. In terms of Book of Instructions chapter A-8 Para 18.3, the cashier may leave the cabin only after both the cash and cash cabin are safely locked.

Charge No.3

You allowed Sh. Jai Deep to leave his cash, during lunch break, at your cash counter. In terms of Book of Instructions chapter A-8 Para 18.3, no unauthorized person, whether a member of staff or the public, should be allowed access to the cash department without adequate reason and the permission of the Cash Incharge. You did not comply with the instructions, and you not only allowed access to Sh. Jai Deep in your cash cabin but also kept his cash with you, without the

permission of Cash Incharge.

Charge No.6

You in your reply to the explanation have stated that after passing some days the burden was put on your shoulders by getting Cheques from you forcibly and under threats in favour of some firm and persons to whom you had no connection and to whom you are not liable to pay any money. Moreover, you have no money at your credit in the Bank. Your contention is not correct, the fact is that you had handed over the cheques on the date of shortage itself i.e. on 13.05.2008. The fact was again acknowledged by you in your letter dated 15.05.2008. In your letter dated 13.05.2008 you had stated the name of the firms/persons from whom the cash shortage of Rs.14,42,000/- was made up and you promised to return their money to them. You issued these cheques on 13.05.2008 and not on subsequent date. You have not stopped the payment of the cheques and yourself contributed Rs.25,000/- from your own account. You have not paid back the money collected from such persons/firms. Cheque No.907402 for Rs.4,75,000/- presented for payment has bounced and the payee M/s Kundu Construction Co. has lodged criminal case under Section 138 of Negotiable Instruments Act against you. You incurred debts from firm and persons having dealing with the Bank and are not making payment of these cheques issued by you. Your this act is in violation of instructions contained in Book of Instructions chapter A-1 Para 1.2 (i).”

3. Based on the indictment on these charges in the inquiry proceedings, the Punishing Authority applied its independent mind and passed the punishment order dated 07.01.2010 (Annexure P-1), whereby the petitioner has been removed from

service and got all the superannuation benefits including pension, Provident Fund and Gratuity as per the prevailing Rules and Regulations and that too without any disqualification from future employment.

4. Having perused the inquiry report, I do not find any infirmity in the punishment awarded to the petitioner vide impugned order dated 07.01.2010 (Annexure P-1) and, am of the opinion that the same does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

5. Writ petition is, accordingly, dismissed.

05.09.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No