

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

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Regular Second Appeal No.3445 of 2014

Date of Decision: October 14th, 2019

S.K. Sood

...Appellant

Versus

Central Bank of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh Gupta, Advocate
for the appellant.

Mr. I.P. Singh, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree dated 25.08.2011 passed by the Civil Judge (Junior Division), Ludhiana, whereby the suit for permanent injunction for restraining the defendants from giving effect to the order dated 10.11.2005 passed by Assistant General Manager (Disciplinary Authority), Central Bank of India, Branch Office, Lal Darwaja, Ahmedabad-defendant No.5, whereby penalty of withdrawal of 1/3rd of the pension permanently concerning with the charge-sheet dated 06.10.2003 and further from restraining the implementation of the order dated 10.10.2006 passed by the Appellate Authority i.e. the Deputy General Manager (Appellate Authority), Central Bank of India, Zonal Office, Chandigarh-respondent No.2 dismissing the appeal dated 27.12.2005 confirming the punishment of withdrawal of 1/3rd of the pension permanently with a further declaration with regard to the issuance of the charge-sheet, the imposed penalty etc. to be illegal, void and unsustainable in law, stood dismissed, appeal against which preferred by the appellant-plaintiff stands dismissed by the

Additional District Judge, Fast Track Court, Ludhiana, on 22.01.2014.

2. It is the contention of learned counsel for the appellant that the Courts below have failed to appreciate that it was not the duty and responsibility of the appellant-plaintiff to either verify or check the drafts which were issued. He further states that the duties, which were not even required to be performed by him i.e. countersigning the demand drafts, passing the said demand drafts etc. were, therefore, not to be attributed to the appellant-plaintiff. The charge-sheet, which has been issued to the appellant, thus, was not sustainable as the duties for which he has been held responsible and liable, were not statutorily conferrable upon him. That apart, he asserts that because of the duties which were not assigned to him, he had not performed the said duties and, therefore, could not have been held responsible for the said misconduct, which has been attributed to him. Prayer has thus been made for setting aside the impugned judgment and decreeing the suit of the appellant-plaintiff.

3. I have considered the submissions made by learned counsel for the appellant and with his assistance, have gone through the impugned judgments as also the evidence, which has been referred to.

4. The contention as raised by the counsel for the appellant that the appellant-plaintiff was not assigned the duties of payee account cheques and drafts for clearing by the officer and further that he has not worked on the said seat where such clearances were carried out, cannot be accepted as in the cross-examination, the appellant had admitted himself which has been recorded by the Lower Appellate Court in para 13 as follows:-

13. XXXX "he also admitted that it is correct that NBO Branch means Non-Banking Office, where only work of payees account cheques and drafts are dealt in clearing by

the Officers posted in the branch and he also admitted that it is correct there was existing index number of the authorized officer beneath his signature which is appended by him on the draft while issuing the same and the payees accounts drafts and cheques which were received in the NBO branch were cleared for payment after getting compared with the specimen signature contained in the directory under the respective index number of the officer. Further which is very important he admitted that it is correct that neither himself nor his defence assistant made any request in writing to the Inquiry Officer for producing office order vide which Baldev Singh was assigned the duty of passing the drafts in question contained in the charge sheet and any order assigning duty to him on the said date and he admitted that he also with his defence assistant participated in the inquiry proceedings from the beginning till end and also admitted that he received the documents containing the articles of charges in the charge sheet which are related to three drafts and the inquiry officer had given findings on the said charges contained in the charge sheet.”

5. In the light of the above admission on the part of the appellant, the arguments as raised by the counsel for the appellant fall flat. It is not in dispute as nothing has come on record which would indicate violation of any of the statutory provisions which govern the disciplinary proceedings. Nothing has been pointed out which would indicate that the order which has been passed by the Punishing Authority after the departmental proceedings were held against the appellant, was not in consonance with the statutory rules governing the disciplinary proceedings. The Punishing Authority has on the basis of the report submitted by the Inquiry Officer and thereafter giving him proper opportunity of hearing passed the order of punishment which cannot be faulted with.

exceeded by the Courts and they have refrained themselves and correctly dealt with the case within the laid down parameters. The judgments and decree as passed by the Courts below, which have been impugned in the present appeal being in accordance with law, do not call for any interference, especially when there are concurred findings which have been recorded by the Courts below and no fault therein has been found.

7. There is no question of law involved in this case which would require adjudication in the present appeal.

8. In view of the above, finding no merit in the present appeal, the same stands dismissed.

October 14th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No