THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2434 OF 2007

Dated:27.01.2020

Between:

H. Balaji Rao, S/o. Late Narsing Rao .. Petitioner

And

State Bank of Hyderabad, Zonal Office,
Secunderabad, rep., by its Deputy
General Manager, Appellate Authority
And another .. Respondents

This Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2434 OF 2007

ORDER:

Heard learned counsel for the petitioner and Ms. V. Kurna Kumari, learned counsel representing Sri A. Suryanarayana, learned counsel for the respondents.

2. Petitioner was working as Sweeper-cum-Attender in the main branch of the State Bank of Hyderabad, Medak. Disciplinary proceedings were initiated against the petitioner levelling three charges. Briefly noted the charges are:

(i) Petitioner has stolen cash of Rs.3,950/-;

(ii) He issued 'No Dues Certificate' for availing loan; and

(iii) He has encashed cheque No.094421 for an amount of Rs.3,000/- from single window counter without the mandate of the account holder.

3. Domestic enquiry was conducted and the enquiry officer recorded finding of guilty on charge Nos.1 and 3 and charge No.2 as not proved. Based on the finding of the enquiry officer, disciplinary authority passed orders dated 05.07.2006 imposing punishment of compulsory retirement with superannuation benefits. On appeal, the said order of punishment was confirmed by the appellate authority vide its order date 02.11.2006. Hence, this Writ Petition.

4. Shorn of details, the only issue for consideration is, whether the disciplinary action resulting in imposing punishment is vitiated on account of any procedural illegality.

5. Ms. Zainab Khan, learned counsel representing Sri T. Bala Mohan Reddy, learned counsel appearing for the petitioner, submits that the finding recorded by the enquiry officer against charge No.1 is baseless. Petitioner has not stolen the money and he did not confess the stealing of money and forcibly his signatures were obtained on a blank paper, which were later filled up by somebody as if petitioner confessed the allegation of stealing of money. She would further submit that the allegation of encashment of money through the cheque of the account holder without his authorization is also false allegation levelled against him and there is no merit in the said allegation. She would further submit that the punishment of compulsory retirement of a young employee has serious evil consequence and therefore is a grave punishment and such punishment ought not to have been imposed on the allegations levelled against the petitioner.

6. The report of the enquiry officer and the assessment of the entire disciplinary action by the disciplinary authority would clearly point out that an amount of Rs.3,950/- was left by the Head Cashier on 21.04.2005, which was to be paid to Sri Uppala Ramesh, who brought Rs.4,120/- worth of soiled notes. He reported that by mistake, he kept the cash on the telephone while closing the counter and left the branch. He reported that on 23.04.2005, the customer approached him and then he recollected about the same leaving the branch forgetting the cash on the telephone. The same was brought to the notice of the Branch Manager and the Branch Security. In the enquiry, petitioner accepted having taken the cash on 21.04.2005 kept on

the telephone. From a perusal of the report of the enquiry officer and the disciplinary authority's order, it is apparent that the petitioner accepted taking cash and keeping with him without returning it. Though learned counsel for the petitioner sought to contend that there was no intention to steal the cash, but was kept with him to be returned but the fact remains that till the matter was brought to the notice of the Manager and enquiry was conducted, petitioner did not return the said cash. Further, admittedly, petitioner signed the document relied by the enquiry officer and he does not dispute his signature on the document and it appears that contents of the document were written based on confession by the petitioner.

7. With reference to the allegation in Charge No.3 and the material on record, it appears, when the officials were searching the records to find out the vouchers and when the Chief Manager called the sub-staff in the evening on 10.05.2005 to enquire as to what happened to the said vouchers and directed them to retrieve the vouchers, the petitioner fell on his feet and accepted having received the said amount of Rs.3,000/-. On further questioning, petitioner accepted that he removed the cheque book from the accountant's desk when he was away and utilized it for drawing the amount by signing the cheque after verifying the signature from the account opening form. The petitioner also seems to have confessed destroying the remaining cheque leaves and promised that he would return the vouchers within fifteen days. The material on record would disclose that the vouchers were not returned by the charge-sheeted employee. The

disciplinary authority observed that when all the vouchers relating to all other days are available at the branch and only the vouchers of the particular day were not found and having regard to the statements made by the charge-sheeted employee, clearly points out that the petitioner was responsible for the alleged delinquency. The disciplinary authority also noted that the relevant cheque was also destroyed.

8. No procedural infirmity or irregularity which would vitiate disciplinary action is pointed out. The petitioner was afforded due opportunity at every stage. The charges proved against petitioner are grave enough to impose major punishment.

9. Commercial banks deal with money of its customers. Customers repose trust and confidence on their bank. To maintain such trust and confidence in the bank, employees working in banking service would require high degree of honesty, integrity and sincerity. If the employees working in the bank indulge in actions of stealing money, withdrawing the money from the account of the customers, it would seriously undermine the reputation of the bank and would expose the safety and security aspect of the money deposited in the bank. Therefore, when such allegations are made and proved, it would warrant imposing grave punishment and no leniency can be shown on such conduct. Having regard to the fact that the charges levelled against the petitioner are proved, it cannot be said that punishment of compulsory retirement is disproportionate. Thus, I see no merit in the contention and the writ petition is liable to be dismissed.

10. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:27.01.2020
KH