

AFR

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.104 of 2020

Rama Chandra Barik

....

Appellant

-versus-

***General Manager, Personal Wing,
Canara Bank and others***

Respondents

Advocates appeared in this case:

For the Appellant

:

**Mr. S.K. Rath,
Advocate**

For the Respondents

:

**Mr. Amiya Kumar Mishra,
Advocate**

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

JUDGMENT

14.09.2022

Dr. S. Muralidhar, CJ.

1. The Appellant is aggrieved by a judgment and order dated 20th January 2020 passed by the learned Single Judge dismissing W.P.(C) No.7709 of 2003. In the said writ petition, the Appellant had challenged an order dated 9th April 2002 passed by the Disciplinary Authority (DA) awarding the Appellant, a Sub-Staff of Canara Bank, Umara Branch, Odisha, the punishment of dismissal from service pursuant to a disciplinary inquiry.

2. The challenge in the writ petition was also to an order dated 14th February 2003 passed by the appellate authority (AA) rejecting the appeal of the Appellant and confirming the dismissal order.

3. The background facts are that the Appellant joined in services of Canara Bank at Umar Branch in the District of Cuttack as a Sub-Staff (Daftary) on 27th March, 1990. Pursuant to an investigation into the activities in Umara Branch, a charge sheet was issued to the Appellant on 2nd December 2000 setting out four articles of charge which could be broadly summarized as under:

(i) He had wrongly utilized the loan proceeds sanctioned to different account holders for personal purposes.

(ii) At his instance, TODs were allowed on 14th October 1997 in SB Account No.196 of Sri Bichitrnanda Moharana of Umara; the Appellant had utilized the said TOD proceeds partly.

(iii) The Appellant had taken Rs.2000/- from the agricultural loan proceeds of Rs.5000/- disbursed to one Sri Manas Ranjan Mohanty in respect of which said Sri Mohanty had lodged a complaint with the Bank on 28th January, 1999.

(iv) Fake bills had been furnished by the Appellant to the Bank on 4th November 1998 seeking reimbursement of a sum of Rs.625/- towards cost of woolen livery.

4. After the Appellant replied to the above charges, an Enquiry Officer (EO) was appointed by the Bank. In an inquiry report dated 4th December 2001, the EO held that all the charges against

the Appellant stood established. Thereafter, the DA passed the impugned order on 9th April 2002 dismissing the Appellant from service. The appeal filed thereagainst by the present Appellant was dismissed by the AA by the second impugned order dated 14th February, 2003.

5. One of the points urged before the learned Single Judge was that there was no evidence to establish any of the charges against the Appellant and that in any event, the punishment of dismissal was shockingly disproportionate. The learned Single Judge examined the merits and came to the conclusion that this was a case of proven misconduct with each of the charges having been properly established during the inquiry. The learned Single Judge also concluded that the punishment is not disproportionate.

6. Before this Court, it was contended by Mr. S.K. Rath, learned counsel appearing for the Appellant, that the oral evidence of the material witnesses i.e., Bichitrananda Moharana and Manas Ranjan Mohanty was not taken. A preliminary enquiry report which was relied upon in the inquiry as Ext.22 was not supplied to the Appellant and also the preliminary inquiry officer and that reasonable opportunity was denied to the Appellant as a result thereof. Reliance was placed on the decisions in *State of Uttar Pradesh v. Mohd. Sharif (dead) through LRs*, AIR 1982 SC 937 and *The State of Bombay v. Narul Latif Khan* AIR 1966 SC 269.

7. Having heard learned counsel for the parties, the Court is of the view that the impugned order of the learned Single Judge does not

call for interference. The scope of interference by the High Court in exercise of its jurisdiction under Article 226 of the Constitution in matters of disciplinary enquiry is limited. The writ Court will normally interfere only where there are glaring procedural irregularities that may have caused severe prejudice to the delinquent official in defending himself in the inquiry or where there is egregious violation of principles of natural justice that shocks the judicial conscience.

8. As rightly noted by the learned Single Judge in the impugned order, this was a case of proven misconduct with the evidence on record fully substantiating the charges. Given the nature of the charges and the fact that the Appellant was a Bank staff, the learned Single Judge was not persuaded that the punishment of dismissal from service was shockingly disproportionate. On this aspect also this Court concurs with the learned Single Judge given the context of the Appellant being an employee of the Bank facing charges of the disproportionation of money of the account holders.

9. Consequently, the Court is unable to be persuaded to interfere with the impugned order of the learned Single Judge. The writ appeal is accordingly dismissed.

(S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S. K. Guin/PA