

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.331 of 2021

Binaya Kumar Padhi

....

Appellant

M/s. S.K. Purohit, Advocate and associates

-versus-

***Chief General Manager & Appellate
Authority, State Bank of India and
others***

....

Respondents

None

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

08.09.2022

Order No.

02.

1. The challenge in the present writ appeal is to an order dated 16th March, 2021 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.9166 of 2009 whereby the Appellant had questioned the findings of the enquiry officer (EO), the decision of the disciplinary authority (DA) and the consequential order of the appellate authority (AA) confirming the order passed by the DA dismissing the Appellant from service.

2. It is seen that there were eleven articles of charge of which three were held not proved, three were partly proved and the remaining were proved. Learned Single Judge has not been persuaded that any legal infirmity vitiated the disciplinary enquiry and the orders passed by the DA and AA.

3. Learned counsel for the Appellant submits that he is pressing the present appeal only in so far as he seeks a direction to the

Respondent-Bank to consider the purport of the circular dated 10th May, 2016 concerning effect and interpretation of punishments in disciplinary proceedings of the Respondent-Bank. In particular, he submits that since the Appellant has already put in nearly 34 years of service, that should be kept in view while awarding punishment.

4. The Court notices that in the present case there were eleven articles of charge and barring three of them, the remaining were either proved or partly proved. Giving the nature of the charges which have been held to be proved either fully or partly, the Court is not persuaded that the Respondent-SBI should be asked to apply the above circular for the mitigation of the Appellant's punishment. They grave in nature touching on the integrity of the Appellant.

5. Consequently, the Court is not persuaded to require Respondent-Bank to consider the applicability of the aforementioned circular in order to mitigate the punishment awarded to the Appellant. No ground is made out for interference. The writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda