IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-246-2022 (O&M)
Date of Decision: 14.10.2022

Kuldip Singh ......Appellant

Versus

Punjab National Bank and others ......Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Balbir Singh Jaswal, Advocate,
for the appellant.

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ARUN PALLI, J.

This is an intra court appeal, under Clause X of the Letters Patent, against an order and judgment dated 28.03.2019, vide which the writ petition preferred by the appellant, employed as Single Window Operator-A with the respondent-Bank, against the order dated 15.10.2016, whereby, he was awarded punishment of compulsory retirement with superannuation benefits and without disqualification from future employment, has since been dismissed.

Learned counsel for the appellant has merely reiterated the submissions that were advanced before the Disciplinary Authority as also the learned Single Judge that all the 18 account holders had made a joint statement in favour of the appellant that they had made enquiries and found that their accounts were in order, and they had no complaint/grievances against the Bank or the appellant. Further, the documents, Ex. DE1 and DE2, clearly showed that the alleged charges against the appellant were not proved and he had not withdrawn any amount from the accounts of the customers.

We have heard learned counsel for the appellant and perused the records.

As indicated earlier, the appellant was employed with the respondent-Bank as Single Window Operator-A at BO: Bhallapind (Amritsar). For, he was accused of having made several unauthorized debit entries in saving fund accounts of different customers, and crediting the amount in his own account, he was charge-sheeted on 18.02.2016:-

"You credited your account (1323000100082549) on different dates by debiting accounts of different customers of branch without any mandate as mentioned below:

SN	Txn No.	Dated	Amount (in Rs.)	A/c debited	Name of customer (Debit A/c)	A/c credited
1	M854460	30/06/14	7000	13230003 00028336	Harbans Singh	13230001 00082549
2	M47452	05/07/14	5000	13230001 00085315	Gurcharan Singh	13230001 00082549
3	M778034	01/08/14	1000	13230003 00028336	Harbans Singh	13230001 00082549
4	M735736	04/08/14	15000	13230003 00028460	Bahadur Singh	13230001 00082549
5	M644131	13/08/14	10000	13230003 00064356	Krishana Wati	13230001 00082549
6	M275497	12/09/14	6000	13230001 00088950	Sukhwinder Kaur	13230001 00082549
7	M768023	15/09/14	10000	13230001 00087137	Sukhdev Singh	13230001 00082549
8	M154155	26/09/14	20000	13230001 00088950	Sukhwinder Kaur	13230001 00082549
9	M276825	27/09/14	500	13230001 00090876	Hardeep Kaur	13230001 00082549
10	M41705	06/10/14	10000	13230003 00064356	Krishana Wati	13230001 00082549
11	M612741	10/10/14	5000	13230001 00088950	Sukhwinder Kaur	13230001 00082549
12	M161811	21/10/14	300	13230003 00028336	Harbans Singh	13230001 00082549
13	M475340	27/10/14	5000	13230003 00028460	Bahadur Singh	13230001 00082549
14	M734406	28/10/14	7000	13230003 00024996	Harbhajan Singh	13230001 00082549
15	M532595	31/10/14	10000	13230003 00024996	Harbhajan Singh	13230001 00082549
16	M572470	31/10/14	2000	13230003 00064356	Krishana Wati	13230001 00082549
17	M593072	31/10/14	8000	13230003 00024996	Harbhajan Singh	13230001 00082549
18	M290274	01/11/14	2000	13230003 00024996	Harbans Singh	13230001 00082549
19	M393242	03/11/14	20000	13230003 00028460	Bahadur Singh	13230001 00082549
20	M611128	07/11/14	10000	13230001 00009760	Kulwant Singh	13230001 00082549

21	M361563	08/11/14	1500	13230001 00091237	Sajan Singh	13230001 00082549
22	M429918	08/11/14	900	13230003 00064356	Krishana Wati	13230001 00082549
23	M733498	10/11/14	2000	13230001 00068822	Kapalmeet Singh	13230001 00082549
24	M736158	10/11/14	500	13230001 00091176	Prabhpal Singh	13230001 00082549
25	M773163	11/11/14	2000	13230001 00011675	Gurbax Singh	13230001 00082549
26	M434915	18/11/14	1800	13230001 00056571	Balwinder Kaur	13230001 00082549
27	M625441	20/11/14	30000	13230001 00064039	Kulwant Singh	13230001 00082549

ii. (a) You entered & posted following debit entries in the accounts of different customers with your used ID (95528KS) and credited the amount to your own account but the vouchers are not supported by separate mandate of customers as required under Bank's rules:

SN	Txn No.	Dated	Amount (in Rs.)	A/c debited	Name of customer (Debit A/c)	A/c credited
1	M130736	22/04/14	2200	13230003 00024996	Harbhajan Singh	13230001 00082549
2	M217309	23/04/14	1800	13230003 00028336	Harbans Singh	13730002 00037385
3	M375675	08/08/14	1400	13230003 00028336	Harbans Singh	13230001 00082549
4	M725190	12/09/14	50000	13230001 00090876	Hardeep Kaur	13230001 00082549
5	M657249	14/10/14	48000	13230001 00091112	Surjit Kaur	13230001 00082549
6	M312694	15/10/14	2000	13230001 00091112	Surjit Kaur	13230001 00082549
7	M734666	28/10/14	5000	13230003 00064356	Krishana Wati	13230001 00082549
8	M460632	07/11/14	20000	13230001 00080611	Balwinder Singh	13230001 00082549
9	M468581	22/11/14	10000	13230001 00046459	Darshan Singh	13230001 00082549
10	M782530	02/12/14	5000	13230001 00067391	Ranjit Singh	13230001 00082549
11	M604175	06/12/14	20000	13230001 00067391	Ranjit Singh	13230001 00082549
12	M300223	09/01/15	10000	13230001 00068822	Kapalmeet Singh	13230001 00082549
13	M567726	21/02/15	15000	13230003 00028460	Bahadur Singh	13230001 00082549

(b) You debited following withdrawal slips to the account of S. Bahadur Singh with your user ID and; allowed cash payment and later

admitted vide your letter dated NIL that these two withdrawals are part of 07 unauthorized transactions (amounting to Rs. 115000/-) (Txn No.M735736 dated 04.08.14, M-272108 dated 04.10.14, M-191690 dated 22.10.14, M-475340 dated 27.10.14, M-393242 dated 03.11.14, M-765353 dated 12.01.15, M567726 dated 21.02.15) debited to the account of S. Bahadur Singh by you for crediting your own account just on the basis of oral request of customer:

SN	Txn No.	Dated	Amount (in Rs.)	A/c debited	Name of customer (Debit A/c)
1	M191690	22/10/14	20000	1323000300028460	Bahadur Singh
2	M765353	12/01/15	20000	1323000300028460	Bahadur Singh

Out of these 07 unauthorized entries of Rs. 115000/-, you returned Rs.6000/- to customer (S. Bahadur Singh) through personal settlement outside bank and same was confirmed by S. Bahadur Singh vide letter dated 07.03.2015.

iii. (a) On 04.10.14, you mis-used user ID/password of Ms. Paramjit Kaur (PF No.85747) (Head cashier at branch) for debiting account of S. Bahadur Singh with Rs. 20000 and credited the amount to your account (1323000100082549). This has been admitted by our vide letter dated 03.03.2015.

SN	Txn No.	Dated	Amount (in Rs.)	A/c debited	Name of customer (Debit A/c)	A/c credited	Remarks
1	M272108	4/10/14	20000	13230003 00028460	Bahadur Singh	13230001 00082549	Vouchers not held on record.

(b) On same day i.e. 04/10/14 following transfer entries have also been credited to your account with used ID of Ms. Paramjit Kaur to the debit of account of S. Harbhajan Singh but corresponding vouchers are not held on record:

SN	Txn No.	Dated	Amount (in Rs.)	A/c debited	Name of customer (Debit A/c)	A/c credited	Remarks
1	M424944	4/10/14	6000	13230003 00024996	Harbhajan Singh	13730002 00037385	Vouchers not held on record.
2	M527527	4/10/14	5000	13230003 00024996	Harbhajan Singh	13730002 00037385	Vouchers not held on record.

Your above alleged act is prejudicial to the interest of the Bank which tantamount to Gross Misconduct in terms of para 5(j) of BPS dated 10.04.2002 as amended up to date."

For the said charges were denied by the appellant, accordingly, a departmental enquiry was initiated against him. Which was concluded on 31.05.2016. And, as per the report submitted by the Enquiry Officer, the misconduct alleged against the appellant was duly proved/established. The appellant was furnished a copy of the enquiry report to enable him to submit his objections thereto. The records show that the Disciplinary Authority, upon due consideration of the material on record as also the objections submitted by the appellant, concluded that he had, without mandate, debited Rs.4,53,900/- from 18 different accounts of the customers, and credited the amount in his own account(s). And thus, he was guilty of gross misconduct, in terms of para 5(j) of Bipartite Settlement, dated 10.04.2022. Accordingly, vide show cause notice dated 19.09.2016, the Disciplinary Authority proposed to impose the punishment of compulsory retirement with superannuation benefits and without disqualification from future employment, and sought his response. Concededly, upon receipt of the reply to show cause notice ***(ibid)***, the appellant was even afforded a personal hearing, whereupon, vide order dated 15.10.2016, the Disciplinary Authority confirmed the proposed punishment. Whereafter, on due and thorough analysis of the matter, even the Appellate Authority, after affording an opportunity of hearing to the appellant, dismissed his appeal on 01.02.2018. Likewise, the review petition filed by him was also dismissed on 06.10.2018.

Further, analysis of the order passed by the Disciplinary Authority reveals that the appellant, in his reply dated 27.09.2016 to the show cause notice, had conceded that he had operated the accounts of different customers. And the documents ME-132, ME-133 and ME-140 conclusively proved the misconduct/charges leveled against him. As regards the documents Ex. DE1 and DE2, apparently, those were procured by him subsequently from the affected account holders, and thus, would not advance his case either. The learned Single Judge, while considering the grievance of the appellant, observed that the joint statement of all the 18 account holders that their accounts were in order and they had no complaint against him, was inconsequential. For all the 45 entries were made without any authority. And, even otherwise, nothing was brought on record to justify, as to what for all those account holders transferred their money in his personal account. Moreover, it was proved, during the enquiry, that the appellant had made those transactions by using his own user ID and password.

Needless to assert that the Writ Court, in exercise of power of judicial review, would not sit as a Court of Appeal over the decision made by the Punishing Authority, unless a serious violation of any statutory provision/regulation was proved or the principles of natural justice were violated or the conclusion/findings recorded by the Enquiry Officer as also the Disciplinary Authority were wholly perverse and unsustainable. But, that is not the case in the matter at hand. Further, no such argument was raised either before the learned Single Judge or before us, during the hearing. Upon being pointedly asked, learned counsel for the appellant failed to point out, as to how the orders passed by the Punishing Authority as also the impugned order and judgment suffered from any material illegality or was contrary to the position on record.

In the wake of the above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.10.2022
AK Sharma

Whether speaking/reasoned Yes/No
Whether reportable Yes/No