

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-24592-2015

DATE OF DECISION: 04.08.2022

P.C. GUPTA

... Petitioner(s)

Versus

STATE OF HARYANA AND ORS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Vikram Singh, Advocate
Mr. Varun Veer Chauhan, Advocate for the petitioner.

Dr. Kapil Bansal, DAG, Haryana.

Mr. G.S. Bajwa, Advocate and
Mr. Harjass Sandhu, Advocate for respondents No.2 & 3.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 22.09.2014 (Annexure P-5) whereby the petitioner has been compulsorily retired and the order dated 28.09.2013 whereby his appeal thereagainst has been dismissed.

Learned counsel for the petitioner submits that the petitioner was posted as Senior Manager at the Nuh Branch and he had sanctioned loans on the basis of reports of the Field Officers who had conducted verification of the land holding etc of the applicants before sanctioning the loans. The Field Officers who were also proceeded against departmentally have been let off with leniency while the petitioner has been compulsorily retired. He has relied upon the judgment of the Division Bench of this Court in the case of **Chattar Singh Vs. The Haryana Vidyut Prasaran Nigam Limited and others, CWP No.10235 of 2000**, decided on 13.09.2001 in support of his contention.

He also submits that the most of the loans which had been sanctioned by the petitioner have been returned by the borrowers.

Learned counsel for the respondents, however, submits that there were serious allegations against the petitioner. The petitioner had sanctioned loans as the Branch Manager as he was the final sanctioning authority of the loans. He has failed to proper utilise the Bank funds and has caused a loss of Rs.3,78,86,383/-.

Heard.

The allegations against the petitioner while he was working as a Branch Manager were that he had sanctioned loans without verifying the genuineness of the documents which had been submitted by the borrowers. The petitioner was charge sheeted and enquiry officer was appointed in the matter. The petitioner had been granted full opportunity to present his defence. The enquiry officer had four charges to be proved against the petitioner. These charges were as under:-

1. That he had failed to ensure proper utilisation of Bank funds and also to take corrective action in the matter thereby violated the guidelines of the Bank in the matter.
2. That he had to verify the genuineness of the R.Cs in the above said tractor loans.
3. That he had exposed the bank to the risk of financial loss in the matter.
4. That he had acted against the interests of the Bank.”

In view of the serious allegations against the petitioner of having disbursed the loans without proper verification resulting in a huge loss to the Bank I do not find any infirmity in the impugned order retiring the petitioner compulsorily. The scope for interference in departmental proceedings is limited and is confined to the manner in which the decision is

taken rather than the decision itself. Reference can be made to the judgment of the Supreme Court in the case of **State of Karnataka and another Vs. N. Gangaraj, reported as 2020 (3) SCC 423**. In the instant case there was adequate material for the disciplinary authority to justify the order of compulsory retirement. Insofar as the submission of the learned counsel for the petitioner that other persons had been let off lightly the same does not find merit for the reason that the other persons were working on a lower post of Field Officers. The petitioner was incharge of the Branch and was the final authority in disbursing the loans. It is not that the Field Officers had been let off completely but they had been awarded lesser punishment. The judgment of the Division Bench of this Court in the case of **Chattar Singh Vs. The Haryana Vidyut Prasaran Nigam Limited and others** (supra) is distinguishable on facts inasmuch as the role of the officers who had been inflicted lesser punishment was similar to the petitioners therein and in such circumstances observed that similar treatment should have been accorded to all the employees.

In view of the above, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

04.08.2022

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No