

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP No.1399 of 2022 (O&M)
DATE OF DECISION : 08th FEBRUARY, 2022

Raj Kumar

.... **Petitioner**

Versus

**Managing Director & Chief Executive Officer, Canara Bank and
others**

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Dr. J.C. Vashista, Advocate,
Mr. Manoj Kumar Sood and Ms. Yashika Sood, Advocates,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari quashing of order dated 04.08.2021 passed by the Appellate Authority, whereby the appeal filed by the petitioner against the punishment order has been rejected by respondent No.2, and for quashing of order dated 03.06.2021 passed by respondent No.3, whereby the petitioner has been awarded the punishment of compulsory retirement from service, with a further prayer to direct the respondent to reinstate the petitioner on the post of Single Window Operator with full back wages and consequential benefits.

It is submitted by the counsel for the petitioner that the petitioner has rendered unblemished service with the respondent-Bank. But now on false charges, he has been inflicted punishment of compulsory retirement, although with all retiral benefits. However, that punishment is neither substantiated from the evidence on record; nor is the same commensurate with the mis-conduct alleged against the petitioner. Punishment is excessive and disproportionate. Hence, the orders passed by the authorities below; deserve to be set aside.

Having heard the counsel for the petitioner and having perused the case file, this Court does not find any substance in the argument raised by the counsel for the petitioner. Needless to say that the present petition is arising from departmental proceedings conducted by the Punishing Authority and the Appellate Authority. The High Court is not expected to sit as a Court of Appeal over and above the Departmental Authorities in the matter of disciplinary proceedings. Moreover, both the authorities have recorded concurrent findings against the petitioner. In ordinary course, this Court is not supposed to interfere with the concurrent findings recorded in the disciplinary enquiry and to substitute its own opinion in place of the conclusion; arrived at by the authorities on the basis of the alleged evidence led on record. However, the petitioner could have challenged the orders passed by the authorities on the basis of any substantiated assertion of *mala fide* on the part of the Punishing Authority or the Appellate Authority or on the ground of total non-existence of any material against him or for violation of the statutory procedure. But the record does not show existence of either of these factors. It is not even the case of the petitioner that the departmental

enquiry has not been conducted in accordance with the procedure prescribed by the disciplinary rules applicable to the petitioner. Further, there is not even an allegation that the Punishing Authority or the Appellate Authority worked with any *mala fides*. Hence, this Court does not find it appropriate to interfere in the matter on the above said grounds.

Moreover, the record also shows that the allegations against the petitioner was qua retaining of some cash while handing over money to a customer in the bank. It has also come on record that after having been questioned in that regard the petitioner had returned to the said customer the amount of cash which he was alleged to have retained earlier. The enquiry report also says that the petitioner had even accepted his fault. In view of this situation, the Court cannot arrive at a conclusion that it is a case of no evidence at all. Hence, this Court cannot interfere in the concurrent findings recorded by the Punishing Authority.

Coming to the next argument of the counsel for the petitioner that the punishment imposed is totally disproportionate to the charge leveled against the petitioner, this Court does not find itself in agreement with the argument raised by the petitioner. No doubt the amount involved in the case is as small as Rs.2,500/-, however, the main aspect is that the petitioner was sitting at a seat in the bank which was dealing with the cash of the customers. Therefore, the allegation against the petitioner goes to the root of the integrity of the entire process itself and tends to corrode the credibility of the Bank. Hence, the allegations against the petitioner cannot be trivialized only because a small amount was involved in the case. Moreover, the decision upon the quantum of

punishment is best left to the Departmental Authorities. Qua the quantum of punishment, High Court is not expected to interfere unless the punishment imposed upon the delinquent employee is found to be so disproportionate as to shock the conscience of the Court. However, in this case even the punishment is not such which the Court can take as any extra ordinarily disproportionate to the allegations against the petitioner. The petitioner has been retired from service with all his retiral benefits. Accordingly, this Court does not find any ground to interfere even on this count.

In view of the above, finding no merit in the present petition, the same is dismissed.

08th FEBRUARY, 2022
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

Yes