

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1143 of 2017

In
Civil Writ Jurisdiction Case No.7345 of 2009

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Vinay Kumar Rai Son of Late Braj Nandan Singh, Resident of Mohalla-
Rasoolpur Jilani Majhawalia Road Police Station- Kaji Mohammadpur, P.O.-
G.P.O., District- Muzaffarpur.

... .. Appellant/s

Versus

1. The Central Bank Of India through its Chairman-cum-Managing Director Chandramukhi Building Nariman Point Mumbai.
2. The Zonal Manager, Central Bank of India, Zonal Office Club Road Muzaffarpur.
3. The Regional Manager, Central Bank of India, Speaker Chowk Muzaffarpur.
4. The General Manager Central Bank of India Plot No. 26 Sector II C.B.C. Belapur Navi Mumbai.
5. The Assistant General Manager Regional Office Speaker Chowk District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Amresh Kumar Sinha, Advocate Mr. Anil Kumar Choudhary, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Sinha, Sr. Advocate Ms. Dilkash Khan, Advocate Ms. Minu Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 13-03-2023

In the instant LPA, the appellant has assailed the order of
the learned Single Judge dated 09.05.2017 passed in CWJC No.



7345 of 2009.

2. The appellant while working as an Assistant Manager at Amwara Chowk Branch of Central Bank of India is alleged to have committed certain misconducts and was subjected to disciplinary proceedings.

3. Gist of the case as noted by the learned Single Judge reads as under:-

“Short fact of the case is that the petitioner while was functioning as Assistant Manager at Amwara Chowk branch of the Central Bank of India, there was allegation of certain misconduct committed by the petitioner and finally, while he was posted as Manager, Dumra Branch, a memo was issued against the petitioner asking his explanation on the point that on 15-11-2002, one Dinesh Mahto, SB A/c holder of Amwara Chowk branch had approached the branch for maturity payment of F.D.Rs. After that he desired to reinvest Rs. 2,68,800/- in MMDC scheme of the Bank, which was debited to his SB account, but the petitioner, instead of Bank F.D.R., issued F.D.Rs. of the Central Bank Adhikari Grih Nirman Swablambi Sahkari Samiti. In the year 2006, when Sri Mahto approached Branch for pre-mature payment of said FDR's, he was surprised to know that the said FDR's don't pertain to Ambara Chowk Branch of the Central Bank of India, but said Samiti. When Sri Mahto contacted the petitioner, the petitioner issued four cheques of CD account no. 329 Sahu Pokhar Branch, which also returned unpaid due to insufficient fund. It was also indicated in the memo that the party had no other option but to file a suit against the petitioner. The said memo was replied by the petitioner and finally, a regular departmental proceeding was initiated against the petitioner. In the departmental proceeding, the conducting officer found him guilty and finally. punishment of



compulsory retirement was passed by the disciplinary authority, vide order dated 08-05-2008 issued under the signature of Zonal Manager-cum-Disciplinary Authority (Annexure-8 to the writ petition). The petitioner thereafter filed an appeal, which too was rejected, vide order dated 4th February, 2009 (Annexure-1 to the writ petition). Thereafter, the petitioner approached this Court by filing the present writ petition.”

4. The appellant was charge-sheeted in a departmental enquiry on 20.06.2007. He had submitted his explanation denying the alleged charge on 17.01.2007. Disciplinary Authority was not satisfied with the explanation and proceeded to hold enquiry while appointing Inquiring Officer. The Inquiring Officer concluded the enquiry and submitted report holding that the charges levelled against the appellant were proved. Thereafter, Disciplinary Authority completed the proceedings while imposing the penalty of compulsory retirement under Regulation 4 (G) of the Central Bank India employee (D&A) Regulations, 1976. The appellant has exhausted the remedy of appeal before the Appellate Authority in which he again suffered an adverse order. Thereafter, he filed CWJC No. 7345 of 2009. During pendency of the writ-petition, learned Single Judge had recorded that writ-petition could be heard only on the quantum of punishment, such recording or ordering was not questioned by the appellant in filing LPA, therefore, he was compelled to restrict his argument before the



learned Single Judge only to the extent of quantum of punishment. On the other hand, appellant submitted before the learned Single Judge that he was not guilty of the charges and the alleged charge does not amount to misconduct and it was further argued that penalty of compulsory retirement was harsh and disproportionate to proved charges. Learned Single Judge has taken note of the contentions and he had relied on Apex Court decision **2017 (2) PLJR 634 (Ravindra Nath Vs. Chairman, Uttar Bihar Gramin Bank), (2015)2 SCC 610 (Union of India and Ors. Vs. P. Gunasekaran), (2003) 4 SCC 364 (Chairman and Managing Director, United Commercial Bank and Ors. Vs. P.C. Kakkar)**. He has also taken note of disciplinary authority's order and reasons assigned therein.

5. Learned counsel for the appellant has not addressed any legal issue so as to overcome the order of the disciplinary/appellate authority and order of the learned Single Judge. Normally, there is no scope of judicial review insofar as disciplinary proceedings matters are concerned. Courts and Tribunals would interfere in respect of disciplinary matters only if there is any legal or technical issues are involved like violation of principles of natural justice and violation of rules or regulations and further if any procedural lapses are involved.



Apex Court in the latest decision in the case of ***State of Karnataka vs. Umesh***, reported in, ***(2022) 6 SCC 563***, in para 22 has laid down the following criteria which reads as under:-

“In the exercise of judicial review, the Court does not act as an appellate forum over the findings of the disciplinary authority. The court does not reappreciate the evidence on the basis of which the finding of misconduct has been arrived at in the course of a disciplinary enquiry. The Court in the exercise of judicial review must restrict its review to determine whether:

(i) the rules of natural justice have been complied with;

(ii) the finding of misconduct is based on some evidence;

(iii) the statutory rules governing the conduct of the disciplinary enquiry have been observed; and

(iv) whether the findings of the disciplinary authority suffer from perversity; and

(v) the penalty is disproportionate to the proven misconduct.”

6. The appellant has not apprised this Court that the present appeal would fit into any of the criteria so as to interfere with the impugned order of compulsory retirement read with appellate authority's order and learned Single Judge's order.

7. Having regard to the alleged charge, imposition of penalty of compulsory retirement would suffice, even though



there is no financial loss caused to the Respondent-Bank with reference to alleged charges levelled against the appellant. In the light of these facts and circumstances, appellant has not made out a case. Accordingly, the L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Himanshu/
Daya/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2023
Transmission Date	NA

