

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1524 of 2020

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Bam @ Bum Shankar Pathak Son of Sri Krishnadev Pathak Resident of
Sipahi Tola, P.S.- Purnea, Town and District- Purnea.

... .. Petitioner/s

Versus

1. The State Bank of India through its Chairman.
2. The Chairman, State Bank of India.
3. The Chief General Manager, State Bank of India, Local Head Office, West Gandhi Maidan, Patna.
4. The General Manager, State Bank of India, Local Head Officer, West Gandhi Maidan, Patna.
5. Branch Manager, S.B.I. Simdega. Jharkhand State.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Advocate with Mr. Mohammed Abu Haidar, Advocate Mr. Alexander Ashok, Advocate
For the Respondent-Bank	:	Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 27-06-2023

Heard learned counsel for the petitioner and learned
counsel for the respondent- Bank.

2. The petitioner was proceeded against for certain
illegality committed in disbursement of loan, post demise of the
beneficiary, and has been attributed with misappropriation of the
amount of loan. The petitioner has been visited with the
punishment of removal from service.

3. Under the circumstances, he had approached this Court
in C.W.J.C. No. 13385 of 2014, wherein the following
submission was made:-



“Learned senior counsel further submits that on realizing his mistake the petitioner, in fact, has deposited the amount in the bank account and as such the conduct of the petitioner could not be construed with such gravity as it has been done by the authority. Re-deposit of the amount upon realization of the mistake is a mitigating factor which is required to be considered by the authority while arriving at the conclusion regarding quantum of punishment. He further submits that the issue should be examined from this aspect.”

4. The Court allowed the learned counsel for the Bank an opportunity to examine whether, there was any authority having jurisdiction to review the punishment. Thereafter, this Court had allowed the petitioner an opportunity of making an application for minimizing the quantum of punishment, limited to the quantum of punishment, as extracted above.

5. The petitioner's application has, thereafter, been considered by the competent authority under Rule- 69 (3) of the State Bank of India Officers' Service Rules, 1992. The claim has been rejected by a reasoned order dated 05.10.2019.

6. It is submitted by learned senior counsel that had the authority taken a slightly sympathetic view, treating the re-



deposit of amounts as a mitigating circumstance, the punishment awarded to the petitioner could have been scaled down/ minimized.

7. Learned counsel for the Bank, on the other hand, submits that a threadbare examination has been done by the reviewing authority, with reference to all the material on record, including the petitioner's admission in the proceedings, with respect to the charges. He further submits that punishment of removal from service awarded to the petitioner, would entitle him to receive pensionary benefits, if otherwise eligible. The punishment awarded to the petitioner is not the harshest punishment available in the Rules, and therefore, the discretion exercised by the Authority does not suffer with any infirmity in rejecting any further scaling down of the punishment.

8. Considering the rival submissions, this Court, being conscious of the very limited jurisdiction to interfere in the matters of quantum of punishment, considering the fact that petitioner was a Bank employee and required to maintain very high standard of integrity; as also the reasoned order passed by the reviewing authority, showing detail consideration of the petitioner's claim, is not inclined to interfere with the same or pass any further orders for reconsideration.



9. Writ petition is found to be devoid of merit and is, accordingly, dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
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