

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

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2023:PHHC:132175

**RSA-6365-2018(O&M)
Date of decision: 11.10.2023**

V.K. SHARMA

..Appellant

Versus

STATE BANK OF PATIALA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Bajwa, Advocate
for the appellant.

Ms. Madhu Dayal, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of fact arrived at by the Courts below is assailed by the plaintiff in this second appeal. After serving charge-sheet, the disciplinary inquiry was held in which the inquiry officer reported that the statement of charges are proved against the appellant. Thereafter, a copy of the inquiry report was supplied to the appellant and he was given an opportunity to file objections. Ultimately, the disciplinary authority vide order dated 21.01.2009, imposed penalty of dismissal from service. The appeal filed by the appellant was also dismissed vide order dated 17.04.2009.

2. Both the Courts on appreciation of evidence have found that there is no substance in the case of the plaintiff and consequently dismissed his suit.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. The learned counsel representing the appellant contends that the charge-sheet was supplied to the appellant without the list of witnesses. The

job of the appellant was on the field and he had no role or responsibility to play in sanction of the loan. He further submits that order passed by the appellate Authority is non-speaking and the appellant has already been acquitted in the criminal cases.

5. On the other hand, the learned counsel representing the respondents while drawing the attention of the Court to Regulation 68 (2) (x) (a) of the State Bank of Patiala (Officer's) Service Regulations, 1979 (hereinafter referred to as the '1979 Regulations'), submits that the list of witnesses was supplied to the appellant on 15.01.2008, whereas, the inquiry officer was appointed only on 31.01.2008. She submits that the loans have been sanctioned on the recommendation of the appellant, who did not properly verify the documents and such negligence resulted in huge loss to the bank. She submits that the appellant has been granted sufficient opportunities to put forth his defence.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. Regulation 68 (2) (x) (a) of the 1979 Regulations is extracted as under:-

“The inquiry authority shall where the officer does not admit all or any of the articles of charge furnish to such officer a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be proved”

8. It is not in dispute that on 15.01.2008, the list of witnesses was supplied to the appellant, whereas, the inquiry officer was appointed on 31.01.2008. Thus, the appellant had sufficient opportunities to put forth his case before the disciplinary authority.

9. There is also no substance in the argument of the learned counsel representing the appellant that his job was on the field and therefore, he was not involved in the sanction of the loans. As already discussed, it has come on record that the loans were sanctioned by the bank on the recommendation of the appellant but he failed to carry out proper verification of the documents and it resulted in huge losses to the bank.

10. In such circumstances, the appellant cannot escape from his liability.

11. The next argument of the learned counsel representing the appellant is with regard to his acquittal in the criminal cases. In this case, the disciplinary proceedings were separately held. In the domestic inquiry, the charges against the appellant were proved. The standard of proof to prove a criminal charge is different from the standard of proof required to prove the charges in a domestic inquiry. Hence, the acquittal of the appellant would not have any impact on the punishment given after the domestic inquiry was held.

12. The last argument of the learned counsel representing the appellant is with reference to the order passed by the Appellate Authority. It is evident that the Appellate Authority has passed the order after noticing all the facts in detail. The Appellate Authority is not headed by a judicially trained mind. Hence, it will not be appropriate to anticipate a critical analysis of the facts and evidence from the authority that lacks a judicial role.

13. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

14. Dismissed accordingly.

15. All the pending miscellaneous applications, if any, are also disposed of.

October 11th, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*