IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.403 of 2019

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Raj Kumar Manjhi son of late Sita Ram Manjhi Son of late Sita Ram Manjhi (Officer Scale-I (VIS) H.Q.R.-O, Purnea), Resident of Kasba, P.S.-Kasba, District-Purnea.

... ... Petitioner/s

Versus

1. The Chairman Cum Appellate Authority, Uttar Bihar Garmin Bank, H.O.-Kalambagh Chowk, Muzaffarpur.
2. The Chief Manager-cum-Administrative Officer, Uttqar Bihar Gramin Bank, Muzaffarpur.
3. The General Manager-cum-Disciplinary Authority, Uttar Bihar Gramin Bank, H.O.-Kalambagh Chowk, Muzaffarpur.
4. Branch Manager-cum-Enquiry Officer, Uttar Bihar Gramin Bank, Katihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Dr. Shashi Shekhar Kishore, Advocate Mr. Ram Binod Singh, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, Advocate Mr. Amitesh Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 30-09-2024

Heard Learned Senior Counsel for the petitioner and Learned Counsel for the Uttar Bihar Gramin Bank.

2. Learned Senior Counsel for the petitioner submits that the present writ petition has been filed for setting aside the order dated 06.02.2018 contained in letter No.HO/DAD/10/17-18 No.538 dated 06.02.2018 passed by the Disciplinary Authority by which Award of *"Punishment of dismissal which shall ordinarily be a disqualification for future employment"* in terms of Regulation 39(i)(b)(v) of the Uttar

Bihar Gramin Bank (Officers and Employees) Service (Amendment) Regulation, 2013, has been passed. Further prayer has been made for quashing of order dated 25.05.2018 contained in letter No.HO/(DAD)/11/18-19/No.97 passed by the Appellate Authority by which the order passed by the Disciplinary Authority has been approved. Learned Senior Counsel for the petitioner submits that the punishment orders passed by the Disciplinary Authority as well as Appellate Authority are without considering the facts and circumstances of the case. Further prayer has been made to issue a writ in the nature of mandamus commanding the respondents to reinstate the petitioner in the service of Uttar Bihar Gramin Bank.

3. Learned Senior Counsel submits that the petitioner joined the service of Bank in the year 1984 as Clerk-cum-Cashier. The service of the petitioner was appreciated by the Bank. There was no adverse remark against him regarding performance and conduct. It is due to this reason that he was promoted to the rank of Branch Manager, Uttar Bihar Gramin Bank. It has been submitted that at the time of occurrence, he was posted as Garhbaneli Branch in Purnea district as Branch Manager. Learned Senior Counsel submits that on 09.11.2016, a memo of charge contained in letter No.455 dated 09.11.2016

under the signature of General Manager has been served upon the petitioner, indicating therein the conduct of a common departmental inquiry against the petitioner (Branch Manager), Smt. Vinita Kumari, (Officer Scale-I) and Sanjeet Kumar Thakur, (Office Assistant) of Garhbaneli Branch, Purnea. In compliance of the instruction in the charge memo, the petitioner has filed his written statement before Disciplinary Authority-cum-General Manager submitting therein that Enquiry Officer has not followed the principles of natural justice. He has also raised objection that common inquiry ought to have been conducted but his assertion was not considered by the Disciplinary Authority whereas a separate Enquiry Officer had been appointed. The Learned Senior Counsel further submits that on 07.07.2017, the petitioner submitted written statement before the Enquiry Officer. On 12.07.2017 the Enquiry Officer submitted Enquiry Report before the Disciplinary Authority. On 25.07.2017 second show-cause notice containing the enquiry report was issued to the petitioner bearing letter No.184 dated 25.07.2017 by the Disciplinary Authority. In the enquiry report all the ten charges against the petitioner were proved. Learned Senior Counsel further submits that the petitioner submitted his reply to the second show-cause on 05.08.2017 indicating therein that in the criminal case which has been filed by the Regional Manager against the petitioner and other two Officers bearing Kasba P.S. Case No.67 of 2016, investigation has been completed and no evidence had been found against the petitioner. Learned Senior Counsel additionally submits that there are series of points raised in reply to second show-cause, but the Disciplinary Authority without considering his case in proper manner passed the final order on 06.02.2018, the copy of which has been served upon the petitioner through letter No.537 dated 06.02.2018 by the Disciplinary Authority wherein petitioner has been punished with “dismissal from service”.

4. Learned Senior Counsel submits that the petitioner had preferred appeal before the Chairman-cum-Appellate Authority on 14.03.2018 being aggrieved and dissatisfied with the order passed by the Disciplinary Authority dated 06.02.2018, but his appeal was dismissed vide order dated 25.05.2018 and appellate order was served upon him. Learned Senior Counsel for the petitioner further submits that in the departmental proceeding there were series of legal lacunae. He also asserts that the said order had been passed in gross-violation of principles of natural justice, without granting

reasonable opportunity to the petitioner to see the various documents on which charge sheet was issued. Copy of day to day departmental proceeding had been filed as supplementary affidavit.

5. Further point has been taken by Learned Senior Counsel that one daily wage employee Generator Operator-cum-Computer Operator, namely, Saddam Hussain fraudulently used the password of the petitioner (Branch Manager), Smt. Vinita Kumari (Officer Scale-I) and Sri Sanjeet Kumar Thakur (Office Assistant) and transferred the bank amount in his other account fraudulently. But when the petitioner and others got knowledge then they immediately returned back Rs.25,30,429/- (Twenty-five lakhs thirty thousand four hundred twenty nine only) from the account of Md. Sadam Hussain and filed a criminal case bearing Kasba P.S. Case No.66 of 2016 dated 01.07.2016 under Sections 420, 467, 468, 406, 408 and 120B of the Indian Penal Code against Md. Saddam Hussein, in which police has found this case true against him whereas the Regional Manager of the Bank has also lodged another case, namely, Kasba P.S. Case No.67 of 2016 against the petitioner, two other bank officials and Md. Saddam Hussain, in which police has submitted final form

against the petitioner and two other bank officials, but filed charge sheet against Md. Saddam Hussain and Court of Chief Judicial Magistrate has taken cognizance against Md. Saddam Hussain only.

6. Learned Senior Counsel further submits that for same set of allegations three different punishments have been imposed, i.e., petitioner has been imposed punishment of dismissal from service, Smt. Vinita Kumari (Assistant Manager) was punished to the reduction of two increments and recovery of Rs.6,59,682/- whereas Sanjeet Kumar Thakur, Office Assistant, was subjected to reduction of two increments and recovery of Rs.20,644/-.

7. Learned Senior Counsel for the petitioner further submits that there is specific provision in the service law of the Bank for common inquiry as charges issued against the delinquent and other persons are common, but no common enquiry was conducted by the Disciplinary Authority. Learned Senior Counsel also submits that the discrimination in Award of punishment with the petitioner has been made due to the reason that other employees of the Bank facing the same set of allegations have been punished differently by way of stoppage of two increments and recovery of money. But, on the other

hand, the petitioner has been dismissed from the service. He further submits that the memo of charge does not contain the list of witnesses and documents. He also submits that during the course of departmental proceeding/inquiry only one witness had been examined. He further submits that in spite of the fact that the petitioner has been exonerated from the criminal charges in result of the investigation but this aspect has not been considered at all. Learned Senior Counsel further submits that the finding of Enquiry Officer is only of negligence and there was no finding of gross negligence. He further submits that the negligence is not a misconduct even when the petitioner was punished with the dismissal from service. He further submits that in absence of finding of gross negligence, the alleged conduct may not be treated as misconduct. He further submits that the finding of Enquiry Officer and Disciplinary Authority is absolutely not correct and illegal.

8. In support of the argument, Learned Senior Counsel relied on the judgment of **Life Insurance Corporation Vs. Triveni Sharan Mishra** reported in **(2014) 10 SCC 346,** whose paragraphs 4, 9 and 14 are relevant. He further relied on the judgment of **Joginder Singh Vs. Union Territory of Chandigarh** reported in **(2015) 2 SCC 377**. He

further relied on judgment of **Union of India and Others Vs. J. Ahmed** reported in **(1979) 2 SCC 286** whose paragraphs 11 and 13 are relevant. He lastly relied on the judgment of **Mohinder Singh Gill & Others Vs. The Chief Election Commissioner** reported in **AIR 1978 SC 851**, whose paragraph-8 is relevant.

9. Learned Senior Counsel for the petitioner by concluding his argument submits that there is discrimination in award of punishment, non-existence of any mental element, such as intention, malice knowledge etc. there is absolute finding of Enquiry Officer and Disciplinary Authority that it is a case of negligence and no finding of gross negligence and lastly concludes that every test has to be made on the basis of reasons assigned in the impugned order and it cannot be supplemented or developed by filing affidavit and drawing inference that petitioner has committed gross negligence. He further submits that in the light of the submissions made above, it is a fit case to be allowed in favour of the petitioner and submits that the order passed by the Disciplinary Authority as well as Appellate Authority be set aside and petitioner be directed to join and arrears of his salary and other benefits for which he is entitled may be directed to be paid.

10. Learned Counsel for the Uttar Bihar Gramin Bank, on the other hand, submits that a detailed counter affidavit has been filed in which it has been specifically mentioned that the petitioner while working as Branch Manager of Garhbaneli District Purnea under Regional Office of Purnea had issued a charge memo on 09.11.2016 for his lapses and misconduct committed under Regulations-18 and 20 of Uttar Bihar Gramin Bank (Officers and Employees) Service Regulation, 2010, as well as amended Regulation 2013 attracting penalties under Regulation 39 of the said Regulation. It has been specifically mentioned that altogether ten different charges were levelled against the petitioner. He was informed that enquiry will be held only in respect of the charges not admitted by him. The petitioner had specifically denied each article of charges separately. Enquiry Officer and Presenting Officer were appointed. Enquiry was commenced on 21.12.2016. It was completed in total 17 sittings and finally concluded on 29.06.2017. Counsel for the Bank submits that the Presenting Officer with a view to prove the charge has produced 33 management exhibits and one management witness, but petitioner has not produced any defence witness. Prior to conclusion of the enquiry, time was granted to the

Presenting Officer. Time was granted to both sides to submit their written proof. Both sides have submitted their written arguments before the Enquiry Officer and enquiry has been concluded at the level of Enquiry Officer following the principles of natural justice and the service regulation of the Bank. Enquiry Officer has referred the enquiry report before the Disciplinary Authority and Disciplinary Authority has issued show-cause to the petitioner whose reply had been filed by him and after consideration of enquiry report and reply to second show-cause, final order has been passed on 06.02.2018. Separate finding has been given on each charge. The Enquiry Officer has also found each charge proved separately. Disciplinary Officer has also found each charge proved separately. The order passed by the Disciplinary Authority has been challenged before the Appellate Authority on 14.03.2018 and Appellate Authority has passed a reasoned and speaking order after considering all points raised by the petitioner and rejected the appeal of the petitioner. Counsel submits that the transfer of Rs.25,30,429/- was fraudulently removed by a daily wage employee Generator Operator-cum-Computer Operator using the password of the petitioner and other officers and office assistant. Counsel for the Bank also submits that the said culprit Md. Saddam Hussain was in long association with the petitioner and being a Branch Manager he was not cautious that his user ID and password has been continuously being used by a daily wage worker of the Bank and petitioner was not vigilant and he was completely negligent toward his work having no control over the Branch because he was allowed access to the computer system to an outsider. Counsel for the Bank submits that the petitioner has the highest responsibility being the Branch Manager that a system finacle has been hacked which runs by the fingerprint of the officials only. It has also been pleaded that the petitioner was negligent in checking the day to day transaction. He was negligent in scrutiny of his user ID and password. He was negligent in checking the day to day transaction, agriculture account, resulted in wrongful credit and transfer of interest and in his presence such Act has taken place. Counsel submits that petitioner was the Branch Manager and custodian of the Branch. It is his prime duty to check each and every transaction of the Branch on daily basis. He mentioned that his negligence clearly demonstrates that he has acted in a manner prejudicial to the interest of the Bank and the same is contrary to the conduct which is expected from a Branch Manager. He further submits that Bank is a financial institution and every staff member know officials has to work under the leadership and supervision of the Branch Manager in which he failed. All the ten charges were proved against him, which were tested by the Disciplinary Authority and Appellate Authority both and are found to be proved. He further submits that the case of the petitioner being the Branch Manager may not be equated with the case of Assistant and other officers of the Bank as they are less responsible than the petitioner. He relied on the judgments of **State of Bank of India and Others Vs. Bela Bagchi & Others** reported in **2005(7) SCC 435** para-15. He further relied on the judgment of **TNCS Corporation Ltd. Vs. K. Meerabai** reported in **2006(2) SCC 235** para-29**.** He further relied on the judgment of **Bali Ram Prasad Vs. G.M. Bank of India** reported in **2019 (1) BLJ 235**. He further relied on the judgment of **UP SRTC Vs. Hotilal** reported in **2003 (3) SCC 605** para-10.

11. Learned Counsel for the Bank concludes his argument submitting that a Bank Officer is required to exercise higher standard of honesty and dignity. He further submits that the loss of confidence is primary factor and not the amount of money inappropriate forged withdrawals and subsequently deposited is grave misconduct. He further submits that the

petitioner being the Branch Manager has failed to perform his standard duty. He further submits that if the charge employee hold a position of trust where honesty and integrity are inbuilt requirement of functioning it would not be proper to deal with matters like this leniently and misconduct in such cases has to be dealt with iron hands.

12. After hearing the argument of both the parties and with a view to reach on a conclusion, it is necessary to quote the relevant paragraphs of the judgments on which the parties relied.

13. Learned Senior Counsel for the petitioner relied on the judgment of **Life Insurance Corporation** (supra), but it shall not help the petitioner, due to the reason that in the case quoted above, the delinquent was found guilty of suppression of material information and making false statement to secure employment. In the departmental proceeding, punishment of removal from service was imposed on the petitioner. But for the same misconduct, another similarly situated employee was awarded punishment of stoppage of increment for two years. In this way discrimination made, which was acknowledged by Hon'ble Supreme Court and the said decision of Disciplinary Authority has been set aside. But

here in the present case the situation is quite different. The present petitioner was Branch Manager of the Bank whereas the other persons who were subjected to disciplinary proceeding were Office Assistant and Assistant Manager. The responsibility of Branch Manager and responsibility of Assistant Manager and Office Assistant are different. Branch Manager is holding the higher responsibility and due to this reason this judgment shall not help the petitioner in any manner.

14. Learned Senior Counsel relied on the judgment of **Joginder Singh** (supra), which is not applicable in the present case due to the reason that in the case, quoted above, matter is relating to selection/appointment of petitioner whereas in the present case the matter is relating to disciplinary proceeding and, as such, the ratio laid down in the said judgment is not applicable in the present case.

15. Learned Senior Counsel for the petitioner relied on the Judgment of **Union of India and Othrs** (supra) whose paragraphs 11 and 13 states as follows:

> *"**11.** Code of conduct as set out in the Conduct Rules clearly indicates the conduct expected of a member of the service. It would follow that conduct which*

is blameworthy for the government servant in the context of Conduct Rules would be misconduct. If a servant conducts himself in a way inconsistent with due and faithful discharge of his duty in service, it is misconduct (see Pierce v. Foster [17 QB 536, 542]). A disregard of an essential condition of the contract of service may constitute misconduct [see Laws v. London Chronicle (Indicator Newspapers [(1959) 1 WLR 698])]. This view was adopted in Shardaprasad Onkarprasad Tiwari v. Divisional Superintendent, Central Railway, Nagpur Division, Nagpur [61 Bom LR 1596], and Satubha K. Vaghela v. Moosa Raza [10 Guj LR 23] . The High Court has noted the definition of misconduct in Stroud's Judicial Dictionary which runs as under:

"Misconduct means, misconduct arising from ill motive; acts of negligence, errors of judgment, or innocent mistake, do not constitute such misconduct."

In industrial jurisprudence amongst others, habitual or gross negligence constitute misconduct but in Utkal Machinery Ltd. v. Workmen, Miss Shanti Patnaik [AIR 1966 SC 1051 : (1966) 2 SCR 434 : (1966) 1 LLJ 398 : 28 FJR 131] in the *absence of standing orders governing the employee's undertaking, unsatisfactory work was treated as misconduct in the context of discharge being assailed as punitive. In S. Govinda Menon v. Union of India [(1967) 2 SCR 566 : AIR 1967 SC 1274 : (1967) 2 LLJ 249] the manner in which a member of the service discharged his quasi judicial function disclosing abuse of power was treated as constituting misconduct for initiating disciplinary proceedings. A single act of omission or error of judgment would ordinarily not constitute misconduct though if such error or omission results in serious or atrocious consequences the same may amount to misconduct as was held by this Court in P.H. Kalyani v. Air France, Calcutta [AIR 1963 SC 1756 : (1964) 2 SCR 104 : (1963) 1 LLJ 679 : 24 FJR 464] wherein it was found that the two mistakes committed by the employee while checking the load-sheets and balance charts would involve possible accident to the aircraft and possible loss of human life and, therefore, the negligence in work in the context of serious consequences was treated as misconduct. It is, however, difficult to believe that lack of efficiency or attainment of highest standards in discharge* *of duty attached to public office would ipso facto constitute misconduct. There may be negligence in performance of duty and a lapse in performance of duty or error of judgment in evaluating the developing situation may be negligence in discharge of duty but would not constitute misconduct unless the consequences directly attributable to negligence would be such as to be irreparable or the resultant damage would be so heavy that the degree of culpability would be very high. An error can be indicative of negligence and the degree of culpability may indicate the grossness of the negligence. Carelessness can often be productive of more harm than deliberate wickedness or malevolence. Leaving aside the classic example of the sentry who sleeps at his post and allows the enemy to slip through, there are other more familiar instances of which a railway cabinman signals in a train on the same track where there is a stationery train causing head-on collision; a nurse giving intravenous injection which ought to be given intramuscular causing instantaneous death; a pilot overlooking an instrument showing snag in engine and the aircraft crashes causing heavy loss of life. Misplaced* *sympathy can be a great evil (see Navinchandra Shakerchand Shah v. Manager, Ahmedabad Coop. Department Stores Ltd. [(1978) 19 Guj LR 108, 120]). But in any case, failure to attain the highest standard of efficiency in performance of duty permitting an inference of negligence would not constitute misconduct nor for the purpose of Rule 3 of the Conduct Rules as would indicate lack of devotion to duty.*

13. Having cleared the ground of what would constitute misconduct for the purpose of disciplinary proceeding, a look at the charges framed against the respondent would affirmatively show that the charge inter alia alleged failure to take any effective preventive measures meaning thereby error in judgment in evaluating developing situation. Similarly, failure to visit the scenes of disturbance is another failure to perform the duty in a certain manner. Charges 2 and 5 clearly indicate the shortcomings in the personal capacity or degree of efficiency of the respondent. It is alleged that respondent showed complete lack of leadership when disturbances broke out and he disclosed complete ineptitude, lack of foresight, lack of firmness and capacity to take firm decision. These are *personal qualities which a man holding a post of Deputy Commissioner would be expected to possess. They may be relevant considerations on the question of retaining him in the post or for promotion, but such lack of personal quality cannot constitute misconduct for the purpose of disciplinary proceedings. In fact, Charges 2, 3 and 6 are clear surmises on account of the failure of the respondent to take effective preventive measures to arrest or to nip in the bud the ensuing disturbances. We do not take any notice of Charge 4 because even the Enquiry Officer has noted that there are number of extenuating circumstances which may exonerate the respondent in respect of that charge. What was styled as Charge 6 is the conclusion viz. because of what transpired in the inquiry, the Enquiry Officer was of the view that the respondent was unfit to hold any responsible position. Somehow or other, the Enquiry Officer completely failed to take note of what was alleged in Charges 2, 5 and 6 which was neither misconduct nor even negligence but conclusions about the absence or lack of personal qualities in the respondent. It would thus transpire that the allegations made against the respondent may indicate* *that he is not fit to hold the post of Deputy Commissioner and that if it was possible he may be reverted or he may be compulsorily retired, not by way of punishment. But when the respondent is sought to be removed as a disciplinary measure and by way of penalty, there should have been clear case of misconduct viz. such acts and omissions which would render him liable for any of the punishments set out in Rule 3 of the Discipline and Appeal Rules, 1955. No such case has been made out"*

In which it has been held that misconduct means, misconduct arising from ill motive, acts of negligence, errors of judgment or innocent mistake, do not constitute such misconduct.

16. Learned Senior Counsel further relied on the judgment of **Mohinder Singh** (supra) whose para 8 states as follows:-

"8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time

it comes to court on account of a challenge, get validated by grounds later brought out. here draw attention to the additional We may observa- tions of Bose J. in Gordhandas Bhanji (AIR 1952 SC 16) (at p. 18):

"Public orders publicly made, in exercise of a statutory authority can- not be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the acting and conduct of her those to whom they are addressed and must be construed objectively with reference to the language used in the order itself"

Orders are not like old wine becoming better as they grow older, A Caveat."

17. On the other hand, Learned Counsel for the Bank relied on the judgments of **State Bank of India and Others** (supra) whose paragraph 15 is relevant, which states as follows:-

"15. A bank officer is required to exercise higher standards of

honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the bank is required to take all possible steps to protect b the interests of the bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a bank officer. Good conduct and discipline are inseparable from the functioning of every officer/employee of the bank. As was observed by this Court in Disciplinary Authority-cum-Regional Manager v. Nikunja Bihari Patnaik[3], it is no defence available to say that there was no loss or profit c which resulted in the case, when the officer/employee acted without authority. The very discipline of an organisation more particularly a bank is dependent upon each of its officers and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and is a misconduct. The charges against the employee were not casual in nature and were serious. That being so, the plea about absence of d loss is also sans substance."

This judgment is arising from departmental proceeding in which Hon'ble Apex Court has pleased to hold that Bank official must exercise higher standard of honesty and integrity.

18. Learned Counsel further relied on the Judgment of **Bali Ram Prasad Singh** (supra) whose paragraphs 29 and 30 state as follows:

> *"29. In the case of* ***Chairman & Managing Director, United Commercial Bank and Others vs. P.C. Kakkar*** *reported in* ***2003 (4) SCC 364****; the Hon'ble Supreme Court held that "a Bank Officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/ employee of the Bank is required to take all possible steps to protect the interest of the Bank and to discharge his duty with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a Bank Officer, Good conduct and discipline are inseparable from the functioning of the every officer/employee of the Bank..."*
>
> *30. In the case of* ***Disciplinary Authority-cum- Regional Manager vs. Nikunja Kumari Patnaik*** *(supra) the Hon'ble Apex Court has held that "It is no defence available to say that there was no loss or profit resulted in case,*

when the officer/ employee acted without authority. The very discipline of an organization more particularly a Bank is dependent upon each of its officers and officers acting and operating within their allotted sphere. Acting beyond once authority is by itself a breach of discipline and is a misconduct........"

19. In the present case, it is apparent from the allegations present in the Article of Charges that major penalty proceeding was initiated against the petitioner for his alleged act of misconduct while working as Branch Manager, Uttar Bihar Gramin Bank, Garhbaneli Branch, Purnea. His User ID and Password had been used by a person who was engaged in the Branch and he could not identify the same. In this regard, careful discussion had been made by the Enquiry Officer, Disciplinary Authority as well as Appellate Authority in their respective orders and there is consistent finding of fact by the Enquiry Officer, Disciplinary Authority and Appellate Authority that the charges have been proved after considering all the points mentioned/taken by the petitioner in his defence. Hon'ble Supreme Court in the judgments, quoted above, categorically held that a Bank Officer is required to exercise higher standard of honesty and integrity, he deals with the

money of the depositors and customers and this Court upon going through the materials on record is of the firm view that the petitioner has failed to discharge his duty with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming for a Bank Officer. He was holding a post of Branch Manager, whereas other persons were the subordinate to him being the Bank Manager. He has higher responsibility than others and, therefore, he has been imposed higher punishment. The principles of industrial jurisprudence has no absolute application in case of service jurisprudence of the Bank. Series of repeated negligence have definitely constitute gross negligence in the opinion of the Court and, hence, this Court is not inclined to interfere in the decision of the Officers in the form of impugned order. Accordingly, this writ petition is hereby dismissed.

(Dr. Anshuman, J.)

Mkr./-

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