IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10955 of 2015

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Pramod Kumar Pandey, Son of Late Ram Gulam Pandey, Resident of Mohalla-Trilok Nagar (Rasida Chak), Police Station-Agamkuan,District-Patna.

... ... Petitioner/s

Versus

The Central Bank of India and Ors

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate Mr.Dhandev Kumar, Advocate Mr.Atal Kumar, Advocate Mr.Dhanjay Kumar Gupta, Advocate
For the Respondent/s	:	Mr.Ajay Kumar Sinha, Sr. Advocate Mr.Ajit Kumar Sinha, Advocate Ms.Dilkash Khan, Advocate Mr.Pravin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 24-07-2024

In the instant petition, petitoner has prayed for the following relief(s):-

> *"(i) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the appellate order dated 29.05.2015 contained in letter no 82 passed by Deputy General Manager -Cum-Appellate Authority, Central Bank of India, Zonal Office, Patna (hereinafter referred to as "CBI" only), whereby the punishment of compulsory retirement imposed by the Disciplinary Authority to the petitioner has been upheld /confirmed.*
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> *(ii) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the final order dated 25.03.2015 contained*

in letter no. 297 passed by Amrit Kumar, the Assistant General Manager/ Regional Manager Cum Disciplinary Authority, CBI, Regional Office Saharsa, whereby the petitioner has been subjected to punishment of Compulsory retirement under Regulation 4(h) of Central Bank of India Officers Employee's (Discipline and Appeal) Regulation 1976 as amended up to date.

(iii) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the findings of the Inquiry Officer dated 31.12.2014 in departmental enquiry held in pursuance of charge-sheet no. 03 dated 02.05.2014, whereby out of total six charges against the petitioner, charge no.- 1, 2, 4, 5 & 6 were found proved, however, charge no. 3 was partly proved.

(iv) For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the respondents to reinstate the petitioner with all consequential benefits.

(v) For holding that the petitioner is subjected to punishment of Compulsory retirement in utter violation of principle of natural justice as the Disciplinary Authority awarded major punishment to the petitioner without issuance of any show cause notice.

(vi) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case."

2. During pendency of the present matter petitioner has filed an Interlocutory Application in assailing the order dated 21.08.2015 issued by the Regional Manager, Central Bank of India Regional Office, Purnea to the extent of petitioner's gratuity amount shall be forfeited in the light of alleged loss of Rs. 98 lakhs caused to the bank and which were proved in the departmental inquiry.

3. The petitioner while working as a Branch Manger and posted as Branch Manager, Amha Branch he was subjected to disciplinary proceedings while framing charge on 02.05.2015 there are six charges. The allegation is that petitioner has acceded his jurisdiction insofar as sanctioning of loan amount to various firms and individual persons and they are to the tune of Rs. 98 lakhs. The charges were proved in the departmental inquiry, thereafter, Disciplinary Authority proceeded to impose penalty of compulsory retirement on 25.03.2015.

4. Feeling aggrieved by the penalty order petitioner preferred appeal on 24.04.2015 and it was affirmed by the Appellate Authority on 29.05.2015, thereafter, show-cause notice was issued to the petitioner as to why gratuity amount shall not be forfeited in the light of departmental inquiry on 21.08.2015.

5. The petitioner has not appraised this Court insofar as interference with the compulsory retirement order. That apart perusal of the record, it is not appraised as to how Rs. 98 lakhs loss has been cancel to the respondents-bank. There may be serious irregularities in respect of disbursement of Rs. 98 lakhs to various firms and individuals. No material has been placed to the extent that borrowers have not re-paid the money and what are the steps taken by the Respondent-bank.

6. Taking note of these events question of issuance of notice in respect of forfeiting gratuity amount which was due to the petitioners is incorrect. That apart Central Bank of India Employees Gratuity Fund Rules, 1975. Rule 12 relates to forfeiture of gratuity. If any officer/employee is punished in a departmental inquiry insofar as termination in such circumstances only question of forfeiture of gratuity would arise, whereas in present case petitioner has been punished with a penalty of compulsory retirement. Thus, petitioner has made out a case so as to interfere with the show-cause notice and he is entitled for withheld gratuity amount. Therefore, the concerned respondent is hereby directed to disburse the gratuity amount which is due to the petitioner within a period of three months from the date of receipt of this order. Only to the above extent writ petition stands allowed.

In respect of penalty order of compulsory retirement it's affirmation by the Appellate Authority stands are concerned petitioner has not urged any legal ground and scope of judicial review is limited as held by courts from time to time.

7. On account of imposition of penalty of compulsory retirement if the petitioner is entitled to any other benefits and if it is not settled as on this day the same shall be settled within the aforementioned stipulated time, failing which petitioner is entitled to interest @ 8% on all monetary benefits other than gratuity amount.

(P. B. Bajanthri, J)

abhishekkr/-

AFR/NAFR	NAFR
CAV DATE	30.07.2024
Uploading Date	NA
Transmission Date	NA