

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19548 of 2015

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Ranjeet Singh Son of Sri Kamla Singh, Resident of 34/C, East Anandpuri,
West Boring Canal Road, Patna.

... .. Petitioner/s

Versus

1. The State Bank Of India and Ors
2. the Chief General Manager - cum - Appellate Authority, State Bank of India,
Local Head Office, Patn
3. The General Manager Network-1, and Appointing Authority State Bank of
India, Local Head Office, Pa
4. The Deputy General Manager, State Bank of India, Zonal Office,
Muzaffarpur.
5. The Assistant General manager, Zonal office, Region - II, Patna.
6. The Chief Manager Office Administration, S.B.I. Zonal Office, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kripa Nand Jha, Advocate
For the Respondent/s	:	Mr.Rajendra Narain, Sr. Advocate
		Mr.Binod Bihari Sinha, Advocate
		Mr.Ajay Dutt Mishra, Advocate
		Mr.Amarjeet Chaudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 24-07-2024

This is second round litigation, the petitioner has questioned the inquiry report dated 15.11.2006, dismissal order dated 20.02.2007 and Appellate Authority order dated 15.09.2007. Co-ordinate Bench allowed the petitioner's CWJC No. 13462 of 2008 and remanded the matter on 29.08.2014 to the Disciplinary Authority to commence the disciplinary proceedings afresh from the issuance of show-cause notice. Thus, Disciplinary Authority has proceeded to pass afresh order on 29.05.2015 and Appellate



Authority order dated 15.09.2015 *vide* Annexure-16 & 18 respectively.

2. Gist of the matter was that the petitioner was involved in alleged misleads to the tune of 17 charges were levelled against him. The Inquiring Officer found that among seventeen charges, seven charges were proved, namely, 1 to 5, 8 & 13 were proved and charge no. 7 was partly proved. While passing second dismissal order on 29.05.2015, Disciplinary Authority after issuing notice to the petitioner proceeded to impose the penalty of dismissal while holding unproved charges before the inquiring authority has proved. As is evident, from charge no. 9 (allegation) 10, 11, 12 & 14 to 17. While holding the unproved charges were stated to have been proved by the Disciplinary Authority procedure known to the law has not been adhered by the Disciplinary Authority, for the reasons that if Disciplinary Authority is disagreeing with the Inquiring Officer's report with reference to any particular charge or complete charges in that event, Disciplinary Authority had option of remanding the matter to the Inquiry Authority to commence fresh inquiry from the defective stage or in the alternative Disciplinary Authority has power of issuing show-cause notice on which are the charges he is disagreeing and on what material. On receipt of petitioner's reply



on the show-cause in order to prove unproved charges like charge nos. 9, 10, 11, 12, 14 to 17 which were held to be proved in the second dismissal order dated 29.05.2015. To that effect order of the Disciplinary Authority dated 29.05.2015 is defective and there is a total non-application of mind on behalf of the Disciplinary Authority, to the extent that petitioner has not been provided opportunity of adducing his evidence so also before petitioner adducing evidence against such of those charges it was bounden duty of the Disciplinary Authority to produce relevant documents and eyewitness in support of unproved charges in an Inquiry which were held to be proved by the Disciplinary Authority orders. On the other hand, very vaguely unproved charges were held to be proved by the Disciplinary Authority for example charge no. 9 reads as under:-

“Allegation No:9

He closed nearly 20 SB inoperative accounts, 7 Savings Bank accounts aggregating Rs. 8,11,573/- without obtaining the consent from the depositors and transferred it to various SB, Cash Credit, ATL, Drafts accounts. These amounts finally came to him, in the form of cash or kind from the respective account holders.

Personal Hearing Submission:

The accounts were closed by the clerical staff since no power was assigned to the Supervising Officials for closure of the accounts. This allegation was held not proved by the Inquiring Authority.



The CSO did not produce any evidence in his support that he had obtained the consent from the depositors before transferring the amount to the various accounts. The submission made by the CSO is not convincing and hence not acceptable. I do not agree with the view of the I.A. and hold the allegation as proved.”

Similarly, other unproved charges were held to be proved by the Disciplinary Authority. Therefore, there is a procedural irregularities committed by the Disciplinary Authority in not remanding the matter to the Inquiring Authority or after disagreeing with certain charges he himself should have exercise the power of holding inquiry in respect of unproved charges to be proved in the manner known to the law. He had another alternative option of accepting the Inquiring Officer's report to the extent of seven proved charges, namely, charge nos. 1 to 5, 8 & 13 and charge no. 7 partly proved and proceed to impose penalty commensurate with the charges proved, therefore, the Disciplinary Authority has committed error.

3. Accordingly, order of Disciplinary Authority dated 29.05.2015 and consequently, Appellate Authority order dated 15.09.2015 stands set aside.

4. The matter is remanded to the Disciplinary Authority to take fresh necessary steps from the stage of receipt of Inquiring Officer's report. He shall adhered to the procedural prescribed in



the India’s Officers Services Rule, 1992 strictly for the reasons that this the second time this Court is remanding the matter. The petitioner shall be provided ample opportunity of written submission or oral submission in the event of Disciplinary Authority is of the view that unproved charges by the Inquiring Officer’s to be proceeded with. If he is accepting the Inquiring Officer’s report in respect of seven proved charges are concerned and he intends to proceed to pass penalty order in that event he can issue only show-cause to the petitioner stating that he is accepting Inquiring Officer’s report and on proved seven charges petitioner shall furnish his explanation. Thereafter, proceeded to pass final order in the departmental inquiry after due consideration of each of contention to be raised by the petitioner. The above exercise shall be completed within a period of four months from the date of receipt of this order. Pending I.A.(s), if any, stands disposed of.

5. CWJC No. 19458 of 2015 is allowed in part.

(P. B. Bajanthri, J)

abhishekk/-

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

