

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18806 of 2015

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Krishna Kumar Singh, son of Late Govind Singh, resident of Rajiv Nagar,
Road No. 1, P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner.

Versus

1. The Chairman and C. E. O.- Cum- Managing Director, Punjab National Bank, Head Office, Bhikhaji Cama Place, New Delhi.
2. The Executive Director, Personnel Administration Division, Punjab National Bank, Head Office, Bhikhaji Cama Place, New Delhi.
3. The General Manager, Appellate Authority, Personnel Administration Division, Punjab National Bank, Head Office, Bhikhaji Cama Place, New Delhi.
4. The Deputy General Manager-Cum-Disciplinary Authority, Punjab National Bank, Field General Manager Office, R. Block, Patna.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Prashant Sinha, Advocate.
For the Respondents : Mr. Dr. Pankaj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 24-07-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

“(i) For issuance of writ in the nature
of certiorari for quashing of the order
dated 15-10-2014 passed by the Deputy
General Manager/ Disciplinary Authority,
Punjab National Bank whereby the
Petitioner has been again awarded with
the punishment of removal from service,
which shall not be a disqualification for
future employment.

(ii) For holding that the order dated



15-10-2014 is not in compliance to the order dated 21-04-2014 passed by this Hon'ble Court in CWJC No.18966/2012, whereby this Hon'ble Court had remanded on the point that the Officer on whose recommendation, the Petitioner acted has been awarded with lesser punishment and there is no specific allegation of misconduct against the Petitioner with reference to Rules/Guidelines/Circulars fixing the responsibilities in the matter of grant of loan/credit facility, in as much as, in order to differentiate the case of the Petitioner from other officials, the respondents has relied upon some additional charges, which were not the part of the departmental proceeding.

(iii) For holding that the respondent authorities without issuing any memo of charge with regard to the additional lapses as being alleged and without initiating any departmental proceeding for these charges, have punished the Petitioner and such act of the respondent authorities is violative of the principle of natural justice.

(iv) For holding that the additional charges as being alleged in the order dated 15-10-2014 does not hold good as



all the additional charges or lapses are totally false and baseless.

(v) For necessary direction to the respondent authorities to pay all the consequential benefits to the Petitioner including the back wages and other retiral dues of the Petitioner, such as, pension, gratuity, leave encashment etc.

(vi) For any other relief, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

2. This is the second round litigation in respect of disciplinary action against the petitioner. Earlier, he was removed from service on 30.04.2012 and it was affirmed by the superior authorities in appeal. Those two orders were the subject matter of C.W.J.C. No.18966 of 2012 and it was decided on 21.04.2014. Co-ordinate Bench in paragraph-11 of the said order has held as under:

“11. It is settled law that it is the purely discretion of the disciplinary authority to decide as to what punishment would be adequate in the facts and circumstances of the case. This discretion has, however, to be exercised fairly, reasonably and judiciously.



However, if the disciplinary authority, on remand, pursuant to present order of this court imposed any punishment having effect of removal from service (holding compulsory retirement), he will have to assign detailed reasons dealing with the points noted above. The disciplinary authority will be required to pass a final order within a period of six months from the date of receipt/production of a copy of this order.”

3. Pursuant to the order dated 21.04.2014, there was an inaction on the part of the respondents, resulted in filing Contempt Petition (M.J.C. No.4399 of 2014) and it was disposed of on 24.06.2015 in the light of the second removal order dated 15.10.2014, which is under challenge in the present writ petition.

4. Learned counsel for the petitioner submitted that the order dated 21.04.2014 passed in C.W.J.C. No.18966 of 2012 has attained finality. Neither the petitioner nor the respondents have assailed the same in L.P.A. Resultantly, disciplinary authority was required to impose lesser punishment than the removal from service as observed by the Co-ordinate Bench in an earlier order dated 21.04.2014. It is further



submitted that there should have been a joint inquiry against the petitioner and three others for the reasons that alleged allegations /charge-memo is arising out of the facts that petitioner and three others were alleged to have been involved in such alleged misdeeds stated to have been committed by them. It is submitted that the other three persons, one person has been punished with withholding of three annual increments with cumulative effect, another person was punished with reduction of five stages/salary and another person-charges were dropped. On the other hand, petitioner has been punished with the penalty of removal from service and it would be too harsh and there is discrimination so also the disciplinary authority has not considered the Co-ordinate Bench order dated 21.04.2014 passed in C.W.J.C. No.18966 of 2012 while passing order of removal from service on 15.10.2014.

5. Per contra, learned counsel for the respondents resisted the aforementioned contention and raised a preliminary issue to the extent that the petitioner without exhausting the remedy of appeal before the appellate authority against the order dated 15.10.2014, he has rushed to this Court in filing the present writ petition.

6. The present writ petition is admitted for hearing. In



such matters, question of relegating the petitioner to appellate authority is not warranted, that too, the present matter is pending consideration for the last about 9 years.

7. Learned counsel for the respondents has not appraised this Court as to whether Bank have preferred L.P.A. against the order dated 21.04.2014 passed in C.W.J.C. No.18966 of 2012 so as to impose the very same penalty of removal from service. The respondent-disciplinary authority has not appraised this Court to the extent of what is the role played by the each of the employee including the petitioner in respect of alleged misdeeds stated to have been committed as is narrated in the charge-memo. In fact, it was a case of joint inquiry so as to each of the employee including the petitioner's evidence is required to be examined in the light of the duties assigned to each of employee and petitioner. Prima facie, there are certain lacunae in not following the Punjab National Bank Officer Employee (D & A) Regulation, 1977. Be that as it may, order dated 15.10.2014 insofar as imposition of penalty of removal from service was required to be remanded to the disciplinary authority for the second time. Petitioner has already spent 9 years in this Court after second removal order. Therefore, it is not appropriate to remand the matter to the disciplinary



authority to revisit the imposition of penalty of removal from service for the second time ignoring the observation of the Co-ordinate Bench in its order dated 21.04.2014 passed in C.W.J.C. No.18966 of 2012.

8. In the light of these facts and circumstances, order dated 15.10.2014 insofar as imposition of penalty of removal from service stands modified to that of compulsory retirement. The compulsory retirement would take affect from 30th of April, 2012. In other words, petitioner is entitled to monetary benefits as he has retired from service as a measure of penalty as on 01.04.2012, the monetary benefits shall be extended to the petitioner after due calculation within a period of four months from the date of receipt of this order.

9. The present writ petition stands allowed to the above extent. Pending, Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2024.
Transmission Date	NA

