

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1707 of 2019

In
Civil Writ Jurisdiction Case No.15491 of 2004

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Vijay Prasad S/o Late Satya Nand Sah, R/o Sachidanand Colony, at and P.O.-
Kurthaul, P.S. Parsa Bazar, District Patna.

... .. Appellant/s

Versus

1. Allahabad Bank, 2 Nataji Subhash Road, Kolkata 700001 through its Managing Director.
2. The Deputy General Manager, Allahabad Bank Regional Office, 2nd Floor Paras Complex, Circular Road, Ranchi.
3. The Assistant General Manager, Allahabad Bank, Budh Marg, Patna-800001.
4. The Branch Manager, Allahabad Bank, Phulwarisharif, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Mishra, Advocate
For the Bank	:	Mr. Sambhu Nath, Advocate
		Mr. Neeraj Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-11-2024

In the present appeal, appellant has assailed the order of the learned Single Judge dated 06.09.2019 passed in CWJC No. 15491 of 2004. The appellant was initially appointed as Peon in the then Allahabad Bank and it has been merged with the Indian Bank as on this day. While he was working as Clerk-cum-Cashier, he was alleged to have committed certain misconducts along with his Branch



Manager. It is noticed that Branch Manager is governed by different set of Regulation for the purpose of taking disciplinary action. He has been punished while imposing the penalty of dismissal from service and it was subject matter of litigation before this Court and it has been upheld.

2. The appellant is governed by Memorandum of Settlement of Disciplinary Action Procedure for Workmen. In Paragraph No. 19.5, if there is any gross misconduct, the workmen would be subjected to disciplinary proceedings. The respondents have framed four charges against the appellant. Out of four charges, one charge was partly proved and remaining three charges were proved in the disciplinary proceedings. Resultantly, appellant's services have been displaced while imposing the penalty of dismissal from service/termination on 13.12.2003. The appellant preferred appeal and it was rejected on 28.06.2004. Feeling aggrieved by the order of the disciplinary authority and appellate authority, the appellant preferred CWJC No. 15491 of 2004 and it was decided against him on 06.09.2019. Learned Single Judge has taken note of provisions of disciplinary proceedings. In fact, he has extracted paragraph No. 19.5 (j) to the extent that alleged charges would fall under the aforementioned clause. The learned Single Judge has proceeded to dismiss the writ petition after examining the records including the fact



that Branch Manager who had suffered an order of dismissal and it was subject matter of CWJC No. 10640 of 2007 and it was dismissed. LPA No. 1789 of 2016 arising out of CWJC No. 10640 of 2007 was also dismissed. He has also cited the decision of the Hon'ble Supreme Court in the case of *Union of India and others vs. P. Gunasekaran* reported in **(2015) 2 SCC 610**.

3. Scope of judicial review in the disciplinary proceedings is limited to the extent that if there is any violation of statutory provision or violation of principle of natural justice, in such circumstances, only writ court can entertain whereas insofar as interfering with the findings in the disciplinary proceedings and to the extent of imposition of penalty and its affirmation by the appellate authority, the same cannot be interfered as held by the Hon'ble Supreme Court in the case of *State of Karnataka & Anr. vs. Umesh* reported in **(2022) 6 SCC 563**. In other words, limited judicial review is permissible in respect of disciplinary proceedings are concerned.

4. The appellant was a Bank employee. Customers of the Bank have trust with the Bank insofar as protecting their money as well as property to the extent of locker etc. In such circumstances, Bank employee should not misuse or abuse his position while misappropriating customer's money. In the present case, both the appellant and Branch Manager have *prima facie* played fraud with



Bank so also on the customer of the Bank, therefore, appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 06.09.2019 passed in CWJC No. 15491 of 2004.

5. Accordingly, present LPA No. 1707 of 2019 stands dismissed.

6. At this stage, learned counsel for the respondents submitted that he has brought some original records pursuant to our earlier order, he shall return the same to the concerned official of the Bank.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
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