09-02-2024
ct no. 13
Sl. 427
sp

WPA 4579 of 2023
Karan Vasandani
-Versus-
Grid Controller of India Limited & Ors.

Mr. Debashis Banerjee,
Ms. Chandana Ghosh
...for the petitioner

Mr. Rishad Medora
...for the respondents

1. The petitioner is aggrieved by disciplinary proceedings conducted by the employer Power System Operation Corporation Limited (POSOCO). The said POSOCO is wholly on the subsidiary of the Power Grid Corporation Limited now known as Grid Controller of India Limited.

2. The petitioner was, as on January 2020 holding a post of Manager (Finance & Accounts), suspended in an anticipation of departmental proceedings against him vide order dated December 6, 2019.

3. A Charge sheet was issued to the petitioner on January 14, 2020, inter alia, indicating seven charges whereby it was alleged that the petitioner on seven occasions transferred a total sum of Rs. 6 lakhs and odd, from the bank account of

the POSOCO to his personal bank account.

4. In reply to the charge sheet, the petitioner admitted the unauthorized transfer of the said sum of Rs. 6 lakhs and odd into his account. He, however, stated that he was acting under the instructions of his immediate boss, one S.S. Das, Manager (F&A). The petitioner further stated that since his boss was threatening to interfere with his career and the future of the organization, he was compelled to commit the aforesaid defalcation.

5. By an order dated April 23, 2020, the disciplinary authority being the Executive Director, ERLGC, not being satisfied with the petitioner's reply, appointed Enquiry Officer and Presenting Officer.

6. In the enquiry proceedings held on May 27, 2020, the petitioner unconditionally admitted the charges against him and pleaded guilty. He also put a signature on his acceptance of guilt before the Enquiry Officer.

7. Upon receipt of the enquiry proceeding, the Disciplinary Authority by order dated July 17, 2020 passed an order removing

him from service. The period of suspension was not to be treated as on duty. All terminal benefits except PF were deprived.

8. The petitioner carried the order of the Disciplinary Authority in appeal before the Appellate Authority being the Chairman and Managing Director on 14.08.2020.

9. By an order dated October 5, 2020, the Appellate Authority confirmed the findings of the Disciplinary Authority. The petitioner also sought review of the order of the Appellate Authority which was declined. The petitioner admittedly has returned a sums of about six lacs defalcated by him, to the employer. A further sum of Rs.4,49747/- is still due and payable by him to the employer.

10. Before this Court, the learned counsel for the petitioner would urge a three fold grounds against the disciplinary proceedings.

    a) Firstly, that no witnesses were examined in the enquiry and the Disciplinary Authority accepted a one page report of the Enquiry Officer.

b) Secondly, it is argued that no detailed reasons have been given by the Appellate or Reviewing Authority for agreeing with the findings of the Disciplinary Authority.

11. This Court has carefully heard Mr. Debashis Banerjee, learned counsel for the petitioner and Mr. Rishad Medora, learned counsel for the respondents.

12. It is now well-settled that in a quasi judicial proceedings when a charged employee pleads guilty and accepts all charges, the question of leading any evidence or the requirement of proving the charges any further, does not and cannot arise. The Disciplinary Authority, therefore, had little or nothing to do except formally discuss the details of the charge sheet against the petitioner and latter's admission thereto. Likewise, the Appellate and Reviewing Authority also had little or nothing to discuss in so far as the petitioner's appeal and application are concerned.

13. It is equally well-settled that when an Appellate Authority agrees with the

findings of the Disciplinary Authority, detailed reasoning is not required to be given. It does not appear from the order of the Appellate and the Reviewing Authority that they had not applied their mind to the evidence that has come on record or the findings of the Disciplinary Authority and the Enquiry Officer.

14. The refund of the money defalcated by an employee cannot be a ground for imposing any lesser penalty on him. Under normal circumstances, the employer was entitled to impose a penalty of dismissal on the petitioner which would ordinarily be a disqualification for future employment. The employer was also entitled to initiate criminal proceedings since admittedly there has been defalcation of public fund. The argument of the petitioner in this regard cannot be accepted.

15. The refund of a portion of the defalcated money is totally irrelevant. As regards proceedings for misconduct and its definition uniformly applied by employers in this Country, there have been cases where bus conductors have been removed from service for being unable to account

for only Rs. 10/-. Managers of banks have been dismissed from service for temporarily misappropriating Rs. 200/- from a customer, despite having redeposited the said amount back into their account.

16. A person dealing with public funds is required to act with the highest level of integrity and probity.

17. This Court is, therefore, of the view that the orders passed against the petitioner call for no interference whatsoever.

18. With the aforesaid observations, the instant writ petition fails and is dismissed.

19. There shall be no order as to costs.

20. Learned counsel for the respondents said that a sum of Rs. 4,49,747/- is still due and owed by the petitioner to the respondents as on October 6, 2020. A demand in this regard has not yet been complied with. The employer shall be entitled to take steps in accordance with law with regard thereto.

21. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)