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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 499 of 2002

Petitioner: K. P. Dewangan, S/o Shri H. P. Dewangan, aged about 42 years, Cashier-cum-Clerk, Regional Rural Bank, Branch - Khadgaon, H.O. Kshetriya Gramin Bank, Raigarh (C.G.).

Versus

Respondents: 1. The Raigarh Kshetriya Gramin Bank, Raigarh, Through Chairman, Head office, Station Road, Raigarh.

2. Board of Directors, Through Chairman, The Raigarh Kshetriya Gramin Bank, Raigarh (C.G.).

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri K. N. Nande, Advocate for the petitioner.

Shri Pritinker Diwakar, Senior Advocate with Shri Kashif Shakeel, Advocate for the Respondents.

ORAL ORDER

(31st January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

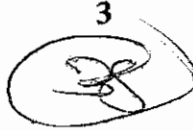
1. The petitioner was working as Cashier-cum-Clerk at Hamirpur Branch of Keshetriya Gramin Bank, Raigarh (for short 'the Bank'). He was charge sheeted on 26.7.1997 to the effect that the petitioner had misappropriated a sum of Rs. 3800/- from the chest of the Bank on 20.3.1996. It was alleged that on 19.3.1996 a sum of Rs. 17053.70 in cash was found at the time of closing of the Bank, as per the cash balance. The enquiry was held, the petitioner had admitted his guilt, and accordingly submitted representation 1.10.1997 (Annexure A/1) to the Chairman of the

Bank in which the petitioner had prayed for leniency and submitted his undertaking not to commit such mistake in future.

2. On enquiry it was found proved on the basis of the admission of the petitioner that a shortage of Rs. 3800/- was found on 21.3.1996 in the opening. The disciplinary authority by his order dated 31.5.1999 (Annexure R/4) imposed punishment reverting the petitioner to the lowest stage in the time scale of the pay (cashier-cum-clerk). The petitioner challenged the said order passed by the disciplinary authority before the Board of Directors in appeal. The Board of Directors by its order dated 2.3.2001 (Annexure A/3) dismissed the appeal and upheld the order passed by the disciplinary authority.

3. Learned counsel for the petitioner submits that the petitioner has withdrawn this amount with the permission of the Branch Manager and at the same breath the petitioner admitted his guilt. The petitioner has prayed for lenient view throughout in the enquiry before the disciplinary authority as well as before the appellate authority.

4. It is well settled principles of law that this Court while exercising its extraordinary jurisdiction in a petition filed under Article 226/227 of the Constitution of India should refrain itself from interfering with the findings of facts. In the present case the finding of facts as to guilt of the petitioner has been concurrently found by the enquiring authority, disciplinary authority as well as the appellate authority. The punishment imposed is not disproportionate to the misconduct committed by the petitioner. As such, it does not call for any interference with the findings of facts recorded by the authorities below.



5. In view of the facts and circumstances of the case when the petitioner has admitted his guilt and has prayed for leniency in awarding the punishment, the respondents may consider the request of the petitioner for modification of the punishment awarded.

6. In view of the foregoing, the petition is disposed of finally. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur