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TARA CHAND VYAS

v.

CHAIRMAN AND DISCIPLINARY AUTHORITY AND ORS.

FEBRUARY 24, 1997

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[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

Service Law :

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Disciplinary proceedings—Opportunity to cross-examine the witnesses—Branch Manager of Bank—Subjected to disciplinary proceedings on the charges that he derelicted in performances of duties in making payment of loans to dealers without ensuring supply of implements to loanees and deposit of adequate securities from dealers—On the basis of report of Inquiry Officer, disciplinary authority found the charges established and imposed the proposed punishment—Plea of the delinquent that he was not given opportunity to cross-examine the witnesses—Held, it cannot be said that there is any manifest error apparent on the face of the record warranting interference—Imputation of charges was based on documentary evidence which was part of the record and copies thereof had been supplied to delinquent.

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CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 3291 of 1997.

From the Judgment and Order dated 4.10.96 of the Rajasthan High Court in D.B.C.S.A. No. 1009 of 1996.

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B.D. Sharma for the Petitioner

The following Order of the Court was delivered :

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The petitioner was imputed with the charges that while working as a Branch Manager of the respondent-Gramin Bank, Khareri Branch between March 17, 1982 to August 8, 1983, he derelicted in the performance of the duties in making payment of loans without ensuring supply of implements to the loanees and deposit of adequate security from the dealers as a consequence of which the respondent-Bank was put to loss. The enquiry officer found that all the fourteen charges were proved. On the basis thereof, the disciplinary authority found that the charges were established

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and imposed the proposed punishment. Impugned order came to be

passed, on appeal, by the Board. The writ petition filed by the petitioner was dismissed. The Special Appeal No. 1009 of 1996 was also dismissed on October 4, 1996 by the Division Bench of the Rajasthan High Court, Jaipur Bench, Thus, this special leave petition. A

Economic empowerment is a fundamental right of the weaker sections of the people, in particular the Scheduled Castes and Scheduled Tribes, ensured under Article 46 as a part of social and economic justice envisaged in the Preamble of the Constitution; the State is enjoined to promote their welfare effectuated under Article 38, Distribution of material resources to elongate that purpose envisaged in Article 39(b) is the means for the development of the weaker sections. The banking business and services were nationalised to achieve the above objects. The nationalised banks, therefore, are the prime sources and pillars for establishment of socio-economic justice for the weaker sections. The employees and officers working in the banks are not merely the trustees of the society, but also bear responsibility and owe duty to the society for effectuation of socio-economic empowerment. Their acts and conduct should be in discharge of that constitutional objectives and if they derelict in the performance of their duty, it impinges upon the enforcement of the constitutional philosophy, objective and the goals under the rule of law. Corruption has taken deep roots among the sections of the society and the employees holding public office or responsibility equally became amenable to corrupt conduct in the discharge of their official duty for illegal gratification. The banking business and services are also vitally affected by catastrophic corruption. The disciplinary measure should, therefore, aim to eradicate the corrupt proclivity of conduct on the part of the employees/officers in the public offices including those in banks. It would, therefore, be necessary to consider, from this perspective, the need for disciplinary actions to eradicate corruption to properly channelise the use of the public funds, the live wire for effectuation of socio-economic justice in order to achieve the constitutional goals set down in the Preamble and to see that the corrupt conduct of the officers does not degenerate the efficiency of service leading to denationalisation of the banking system. What is more, the Nationalisation of the banking service was done in the public interest. Every employee/officer in the bank should strive to see that banking operations or services are rendered in the best interest of the system and the society so as to effectuate the object of nationalisation. Any conduct that damages, destroys, defeats or tends to defeat the said purposes resultantly defeats or H

A tends to defeat the constitutional objectives which can be meted out with disciplinary action in accordance with rules lest rectitude in public service is lost and service becomes a means and source of unjust enrichment at the cost of the society.

B Shri B.D. Sharma, learned counsel for the petitioner, contends that for proof of the charges none of the witnesses was examined nor any opportunity was given to cross-examine them and the petitioner has disputed his liability. As a consequence, the entire enquiry was vitiated by manifest error apparent on the face of the record. We find no force in the contention. The thrust of the imputation of charges was that he had not discharged his duty as a responsible officer to safeguard the interest of the Bank by securing adequate security before the grant of the loans to the dealers, and had not ensured supply of goods to the loanees. It is based upon the documentary evidence which has already been part of the record and copies thereof had been supplied to the petitioner. Under those circumstances, we do not think there is that any manifest error apparent on the face of the record, warranting interference. It is then contended that no reasons have been given in support of the conclusions to substantiate the charges. The enquiry officer had elaborately discussed each charge and given reasons which were considered by the disciplinary authority and reached the conclusion that the charges were proved. So, had the appellate authority. They are not like civil Court.

The special leave petition is accordingly dismissed.

R.P.

Petition dismissed.