

Subhas Chandra Bar Vs. State Bank of India and Ors.

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Court : Kolkata

Decided On : Jan-29-2015

Judge : Banerjee

Appellant : Subhas Chandra Bar

Respondent : State Bank of India and Ors.

Judgement :

IN THE HIGH COURT AT CALCUTTA CIVIL APPELLATE JURISDICTION IN THE APPEAL FROM ITS CONSTITUTIONAL WRIT JURISDICTION ORIGINAL SIDE Present : The Honble Justice Ashim Kumar Banerjee And The Honble Justice Samapti Chatterjee APO485OF 2014 WP1801OF2008 Subhas Chandra Bar VS State Bank of India & Ors. For the Appellant : Mr. Mr. Mr. Mr. Mr. Mr. Kashikanta Maitra, Learned Senior Advocate Arup Kumar Lahiri, Learned Advocate Lakshmi Kanta Pal, Learned Advocate Debasish Kar, Learned Advocate Anubrata Santra, Learned Advocate Joydeep Roy, Learned Advocate For the Respondents : Mr. A.K. Routh, Learned Advocate Mr. Sudip Pal Chowdhury, Learned Advocate. Heard On :

13. 01.2015, 14.01.2015, 15.01.2015 & 16.01.2015. Judgment On : January 29, 2015. Samapti Chatterjee, J.

1. The appellant/writ petitioner herein was a Clerk in the State Bank of India (hereinafter referred to as SBI). The appellant/writ petitioner while discharging his

duty as Clerk was placed under suspension by an Order dated 18th May, 2005 followed by a charge-sheet issued on 16th February, 2006 containing 26 articles of charges. The appellant/writ petitioner categorically denied all charges levelled against him by filing reply, as a result thereof on 31st March, 2006 Enquiry Proceeding was initiated. Enquiry Officer after holding the enquiry submitted report on 19th September, 2006. The appellant/writ petitioner was granted opportunity to submit reply on the findings of the Enquiry Officer.

2. The Disciplinary Authority issued the final Order of punishment thereby removing the said appellant/writ petitioner from service on 2nd January, 2007. Being dissatisfied with the said Order of punishment the appellant/writ petitioner preferred a statutory appeal. The same was also turned down by an Order dated 8th August, 2007. During pendency of the writ petition the appellant/petitioner brought on record the entire enquiry proceeding by way of affirming a supplementary affidavit. The appellant/ writ petitioner by assailing the disciplinary proceedings initiated on the basis of the alleged charge-sheet dated 16th February, 2006 (containing 26 charges) Order of Disciplinary Authority as well as the Order of Appellate Authority dated 8th August, 2007 filed a writ petition being WP No.1801 of 2008 before this Honble Court. Learned Single Judge on 22nd August, 2014 dismissed the said writ petition holding inter alia that interference with the Order of punishment is permissible in very rare cases. In the instant case, the punishment is not so disproportionate to the established charge, which warrants any interference by the Honble High Court to exercise its power under Article 226 of the Constitution of India.

3. Challenging the said Order the appellant/writ petitioner preferred the instant appeal.

4. Mr. Kashikanta Maitra, learned Senior Counsel appearing for the appellant/writ petitioner submitted that the alleged charge-sheet was issued by the Bank Authority in a closed and biased mind. Therefore, the impugned charge-sheet could not be sustained in the eye of law.

5. Mr. Maitra further contended that the charges were couched in such a language which speaks of the closed mind of the Disciplinary Authority . In support of his

contention Mr. Maitra relied on a Division Bench judgment reported in 2011 (2) CHN (CAL) Page-498 (Krishna Choudhury vs State of West Bengal) Para-23 , 2004 (5) SCC Page-568 6 to 8 (State of Orissa vs Dhaniram Luhar) and also relied on a Single Bench judgment reported in 1984 (2) CHN Page-185 Para-11 and 12 (Subrata Bhattacharya vs Bharat Process & Mechanical Engineers & Ors). Mr. Moitra also relied on a Supreme Court decision reported in AIR1985(SC) Page-1121 Para-6 (Anil Kumar vs Presiding Officer and Others).

6. Mr. Maitra further contended that 26 charges were levelled against the appellant/writ petitioner but the Authority had only given 15 days time to submit reply against that voluminous charges. Though the appellant/writ petitioner prayed for 45 days time to submit reply to those charges the prayer was turned down by the Bank Authority.

7. Mr. Maitra also pointed out that two prosecution witnesses were examined by the Bank Authority. There were 135 borrowers but none of the borrowers were called by the Bank.

8. Mr Maitra further urged that without examining 135 borrowers the Bank should not impose extreme punishment like dismissal.

9. Mr. Maitra further vehemently argued that the non-speaking Order passed by the Disciplinary Authority without application of mind could not be sustained in the eye of law. In support of his contention Mr. Maitra relied on a Supreme Court decision reported in 2006 (4) Supreme Page-578 (Director (Mkt.), Indian Oil Corp. Ltd. & Anr vs Santosh Kumar) . He also relied on a Supreme Court decision reported in (2009) 2 Supreme Court Cases Page-570 (Roop Singh Negi vs Punjab National Bank and Others) Paras-14, 22 and 23 where the Supreme Court held inter alia that the order of the Disciplinary Authority as well as the Appellate Authority are not supported by any reason. He also relied on a decision reported in 2011 (5) CHN (CAL) Page-238 (Sachindra Nath Dey vs State of West Bengal). The report of the Enquiry Officer based on merely ipsedixit as also conjectures and surmises, the same could not be sustained.

10. Mr. Maitra further strongly pointed out that the Appellate Authority while holding the charged employee guilty of charges should assign reason. The Appellate Authority cannot simply act as a rubber stamp and thereby mechanically affirm the order of Disciplinary Authority. In support of his contention Mr. Maitra relied on a decision reported in 2012 (8) Supreme Page-224 Para-11 and 12 (Chairman, LIC of India & Ors vs A. Masilamani) 11. Mr. Maitra further strongly urged that no criminal charges like defalcation of fund was levelled against the appellant/writ petitioner. The nature of charges brought against the appellant/writ petitioner were such that he omitted to perform his duty being a responsible Vigilance Officer which amounts to being negligent of his duty, for such charges punishment like dismissal cannot be imposed. Therefore, in his view the said punishment is shockingly disproportionate considering the gravity of charges. In support of his contention reliance was placed on a decision reported in (2014) 1 SCC Page-82 Para-13 and 16 (Girish Bhushan Goyal vs Bhel and Another) .

12. Mr. Maitra further vehemently urged that in service jurisprudence in case of disciplinary proceedings against any delinquent there are two stages. First stage is conclusion of the evidence as to whether the charges alleged against the employee are established or not and the second stage is reached only if it is found that they are so established. That second stage deals with the action to be taken against the employee concerned. Therefore both the stages are judicial proceedings. Consequently, any punishment decided to be taken against the delinquent/charged employee after finding him guilty of misconduct that charged employee should be show-caused or given opportunity to make representation against proposed punishment but it is lacking in the present case. In support of his contention Mr. Moitra relied on a Supreme Court decision reported in AIR1963 Supreme Court Page395 (V50C49 (Bachhittar Singh vs State of Punjab and Another) and also relied on another decision reported in AIR1963 Supreme Court Page-1612 (V50C241 (The State of Assam and Another vs Bimal Kumar Pandit).

13. Mr. Maitra, further strongly emphasized on Rule 7 Sub-Rule (I) & (II) of the State Bank of Indore, Officers Service Regulations, 1979 (Amended upto 30th September 2003) which is quoted below:Rule (7) (i) Notwithstanding anything contained in sub-regulations (2), (3) and (4) where an officer is at any time or has

been adjudicated insolvent or has suspended payments or has compounded with his creditors or is or has been convicted by a criminal court of an offence involving moral turpitude, the Appointing Authority may discharge the officer from the Banks service without any notice whatsoever, and no appeal shall lie against such discharge.

. Rule (7) (ii) Without prejudice to what is stated in clause (I) above and notwithstanding anything contained in sub-regulations (2), (3) and (4), the Disciplinary Authority or the Appointing Authority, as the case may be, may impose any of the penalties specified in Regulation 67 if the officer has been convicted of a criminal charge or on the strength of facts or conclusions arrived at by a judicial trial.

. Mr. Maitra also highly relied on Sub Rule (iii) of Rule 68 of the said Regulation 1979 which is quoted below: Rule 68 Sub-Rule (iii) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite and distinct charges on the basis of the allegations against the officer and the articles of charge, together with a statement of the allegations, list of documents, relied on alongwith copy of such documents and list of witnesses alongwith the copy of statement of witnesses, if any, on which they are based, shall be communicated in writing to the officer, who shall be required to submit, within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), or within such extended time as may be granted by the said Authority, a written statement of his defence.

14. Mr. Maitra concluded by summing up his argument that entire disciplinary proceedings followed by Order of dismissal suffers from violation of natural justice and the same was passed by the authority in a biased and closed mind. No reason was assigned by the Appellate Authority while imposing severe punishment like dismissal. No second show-cause was punishment. issued by the authority before imposing final Therefore, the entire proceeding stood vitiated on those grounds and therefore the impugned order dated 22nd August, 2014 passed by the Honble Single Judge should be set aside.

15. Mr. Routh, Learned Counsel appearing for the Bank vehemently contested the argument advanced by Mr. Maitra and submitted that the appellant/writ petitioner was given ample opportunity to contest the Disciplinary Proceedings and the appellant/writ petitioner was also allowed to inspect all the documents relied upon by the Bank. He availed each and every opportunity.

16. Mr. Routh further contended that there is a very remote scope to re-appreciate and review the evidence in writ jurisdiction. In support of his contention Mr. Routh relied on a Supreme Court decision reported in (2003) 9 SCC191(Sub-Divisional Officer, Konch-vs-Maharaj Singh).

17. Mr. Routh further drew our attention to Rule 68 (2) II and Rule 68 (2) III of the said Regulation of 1979 which were categorically followed by the Bank at the time of conducting the Disciplinary Proceedings. Rule 68 (2) II and Rule 68 (2) III of the said Regulation are set out herein below:- Rule 68 Decision to initiate & procedure for disciplinary action (2) II:- Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct against an officer, it may itself enquire into or appoint any other officer or a public servant (hereinafter referred to as the inquiring authority) to inquire into the truth thereof. Rule 68 (2) III:- Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite and distinct charges on the basis of the allegations against the officer and the articles of charge, together with a statement of the allegations, list of documents, relied on alongwith copy of such documents and list of witnesses alongwith the copy of statement of witnesses, if any, on which they are based, shall be communicated in writing to the officer, who shall be required to submit, within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), or within such extended time as may be granted by the said Authority, a written statement of his defence.

18. Mr. Routh further submitted that on 16th February, 2006 charge-sheet was issued. Thereafter on 13th March, 2006 the appellant/writ petitioner prayed for 45 days time to give reply against those 26 charges levelled against him which was turned down by the Bank on 31st March, 2006.

19. Mr. Routh further contended that the intention of the appellant/writ petitioner was to deliberately delay the Disciplinary Proceedings. Therefore, in his view the Bank did not commit any illegality by not granting extension of time to the petitioner for filing reply.

20. Mr. Routh vehemently contended that through out the Disciplinary Proceedings the appellant/writ petitioner duly participated, not only that he also cross-examined the prosecution witnesses.

21. Mr. Routh further contended that it is revealed from the enquiry proceedings that the Enquiry Officer submitted elaborate report of 83 pages with detailed reasons. In the said report out of 26 charges apart from charge No.20 and Charge No.26 all other charges were established against the appellant/writ petitioner. The appellant/writ petitioner was supplied with the said report and he also submitted an elaborate representation against that report and after considering the said representation the Disciplinary Authority came to the decision to impose punishment of dismissal from service.

22. Therefore, Mr. Routh pointed out that it is not at all justified to accept the argument advanced by Mr. Maitra, that the proceeding was conducted by the Bank Authority in a closed mind and biased manner without providing adequate opportunity to the charged employee, that the Bank Authority is bound to issue second show-cause notice before imposing severe penalty like dismissal. Against such contention of Mr. Maitra Mr. Routh drew our attention to the proviso of the Rule 7 of the said Regulation 1979 where it is provided that in case of criminal offence established against the charged employee then before imposing penalty the charged employee may be given an representation. The proviso of Rule 7 is quoted below :- opportunity to make Provided that before a penalty is imposed in terms of this clause, the officer employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made..

23. Mr.Routh contended that since there is no criminal case initiated against the appellant/writ petitioner therefore question of giving second show-cause notice could not arise.

24. Mr. Routh further contended that the Disciplinary Authority after considering the detailed reasoned report furnished by the Enquiry Officer as well as reply furnished by the charged employee passed its order which is quoted below :1. You did not properly appraise the loan proposals and loans recommended for sanction to borrowers were on abnormally high side.

2. You did not carry out pre/post sanction spot inspection properly to ascertain the identity, antecedents and genuineness of borrowers and did not ensure the end use of Bank's loan 3. You did not obtain original title deeds and chain of documents In respect of properties financed and mortgaged to Bank as security.

4. You did not obtain search and title reports of the properties financed.

5. You did not create equitable mortgage of the properties financed.

6. You did not observe that loans were sanctioned and disbursed on the basis of Agreement to mortgage only and without taking any other security.

7. You recommended for sanction of house loans against disputed and fake properties.

8. You did not obtain proper valuation of the properties financed. Inflated valuations were accepted to accommodate the borrowers by recommending higher loans. Even in many cases houses were older than permissible age.

9. You did not obtain important documents/papers like mutation, certificate, IT returns, PAN, property tax receipts evidencing owner's name in municipal revenue records and also NOC from builder /society before recommending the house loans for sanction resulting in fraudulent sanction of house loans.

10. You did not initiate action under NI Act, against the borrowers whose cheques for payment of house loan installments were returned dishonoured.

11. You did not properly compile opinion reports on borrowers and guarantors before sanction/disbursement of loans.

12. You did not report to higher authorities regarding indulgence of intermediaries/agents/fraudulent persons, various house loans sanctioned/disbursed. with regard to 13. You did not ensure borrowers stakes by way of margin money in respect of house loans sanctioned/disbursed 14. You did not ensure whether the title deeds were adequately stamped.

15. You did not observe that in a large number of loan accounts, the payment orders issued towards disbursement of house loans were presented in clearing through only one Bank.

16. You did not incorporate various important details in the control returns in respect of house loans sanctioned at branch.

17. You overlooked serious discrepancies in the conveyance deeds accepted as security.

18. You did not obtain required undertakings from the employer/educational institutions regarding repayment of loans sanctioned under personal loans scheme.

19. You did not compile opinion reports on borrowers/guarantor in respect of personal loans sanctioned.

20. You gave wrong confirmation in respect of house loan sanctioned fraudulently to Shri Ganesh Chandra Das.

. Thereafter the Appellate Authority after considering the entire report passed its brief reasoned order on 8th August, 2007 which is quoted below :- (a) You were allowed 15 days time to submit the reply to the Charge Sheet served upon you. However, you did not prefer your reply within the stipulated period. (b) Since you did not submit your reply to the Charge Sheet, the DA, without taking any arbitrary decision, ordered for a domestic inquiry in the case to elicit of facts. (c) During the course of the inquiry, you were issued due notices by the IA which were issued due notices by the IA which were duly acknowledged by you. You participated in the inquiry alongwith your defence representative. (d) Your were provided the copies of related papers and documents as desired by you during the course of

inquiry and you were allowed to defend yourself. The written brief of the Presenting Officer was provided to you for your defence submission, which you duly submitted. The I.A. took cognizance of the submissions of both the Presenting Officer and the Defence while giving the findings. (e) The findings of the IA were again conveyed to you for your defence representation. The defence had acknowledged the IAs findings and submitted the defence representation. The defence representation made by the appellant against the IA's findings was considered by the DA and the penalty order mentions all the charges where the appellant was found guilty. (f) The proved charges against you are extremely serious, reflects malafides, recklessness, no concern for Banks interest. The proved charges also indicate your total lack of compliance of laid down norms, systems & procedures, jeopardising the Banks interests and putting the Bank to a huge financial loss. (g) I do not find any material in the appeal which merits reconsideration of the penalty. I, therefore, uphold the penalty imposed by the Disciplinary Authority and dispose off the appeal.

. Therefore, it is not justified to contend that the Appellate Authority without assigning any reason acted as rubber stamp by mechanically accepted the decision of Disciplinary Authority.

25. Mr. Routh further contended that it is not necessary to give a detailed reasoned order by the Appellate Authority at the time of imposing penalty to the charged Officer as the Appellate Authority is affirming the order of Disciplinary Authority. Brief reason assigned by the Appellate Authority in its order is sufficient. In support of his contention Mr. Routh relied on Supreme Court decision reported in (2005) 7 SCC Page-597 (National Fertilizer Ltd. & Anr. vS P.K. Khanna), (1996) 0 AIR (SC) Page-1669 (State Bank of Patiala & Ors vs S.K. Sharma) and (2003) 3 SCC Page-583 (Lalit Popil vs Canara Bank & Ors).

26. Mr. Routh also vehemently emphasized that it is expected that a Bank Officer at the time of discharging his official duties should maintain high honesty and integrity but in the case in hand from the conduct of the appellant/writ petitioner it was proved that appellant/writ petitioner failed to discharge his duties as Bank Officer with honesty and integrity at the time of recommending the house loan in

favour of 135 borrowers, honesty and integrity of the appellant/writ petitioner is highly questionable. In support of his contention Mr. Routh relied on a decision reported in (2005) 7 SCC Page-435 (State Bank of India and Anr. Vs Bela Bagchi and Ors) and (2006) 7 SCC Page-212 (State Bank of India & Ors vs Ramesh Dinkar Punde). In support of his contention that there is a very remote scope of judicial review in respect of Disciplinary Proceedings Mr. Routh relied on (2003) 10 SCC Page-681 (K. Vinod Kumar vs S. Palanisamy and Others), (2003) 4 SCC Page-579 (Indian Railway Construction Co. Limited vs Ajay Kumar), (1999) O AIR (SC) Page-625 (Apparel Export Promotion Council vs A.K. Chopra) and (2004) 12 SCC Page-579 (Principal Secretary Government of A.P. and Anr. Vs M. Adinarayana) .

27. Mr. Routh further vehemently pointed out that upon holding the post of a responsible Officer of the Bank it is expected and understood that the efficiency, honesty and integrity of the Officer should not be questioned which is lacking in the conduct of appellant/writ petitioner. Therefore penalty imposed upon the delinquent/charged Officer cannot be overruled on the ground of shockingly disproportionate punishment. In support of his contention Mr. Routh relied on a decision reported in (2005) 10 SCC Page-84 (Damoh Panna Sagar Rural Regional bank and Anr vs Munna Lal Jain).

28. Mr. Routh also vehemently argued that when the Appellate Authority is in agreement with the findings of the Disciplinary Authority it is not required that the Appellate Authority should give elaborate reasons in its Order, though in the present case brief reasons have been assigned by the Appellate Authority. Therefore, Mr Routh submitted it is not correct that the Order of Appellate Authority suffers from non- assigning reason as has been argued by Mr. Maitra, learned Senior Counsel appearing for the appellant/writ petitioner. In support of his contention he relied on Supreme Court decisions reported in (1986) 2 SCC Page-651 (R.P. Bhatt vs Union of India and Others) and (2009) 4 SCC Page-240 (Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank vs Jagdish Sharan Varshney & Others).

29. On the point of violation of natural justice Mr. Routh strongly urged that the appellant/writ petitioner was given ample opportunity to ventilate his case before the Enquiry Officer and also before the Disciplinary Authority and thereafter finally before the Appellate Authority which would appear from the records.

30. Mr. Routh further contended that no procedural lapses or irregularities on the part of the Bank Authority were ever found at the time of conducting proceeding.

31. Mr. Routh further submitted that it was not the case of appellant/writ petitioner that the entire proceedings was perverse, illegal and without jurisdiction. Therefore, after considering the records, penalty imposed by the Authority does not warrant any interference by this Honble Court.. On the contrary, Mr Routh urged that due to negligence, inefficiency, lack of integrity and honesty on the part of the charged Officer Bank Authority suffered a huge financial loss. In spite of that the appellant/writ petitioner was given sufficient opportunity during the entire Disciplinary Proceedings as per procedural formalities as laid down in The Regulation 1979.. Therefore, question of violation of natural justice cannot and should not be raised. In support of his contention Mr. Routh relied on decisions reported in 1999 (6) Supreme Page-265 (M.S. Mehta vs Union of India & Ors), (2003) 4 SCC Page557 (Canara Bank & Ors vs Shri Debasis Das & Ors) and (2005) 6 SCC Page-321 (Canara Bank vs V.K. Awasthy).

32. Before parting with, Mr. Routh submitted that the appellant/writ petitioner was given reasonable opportunity to defend the charges levelled against him. He submitted written reply against the 26 charges. Thereafter the enquiry proceedings was initiated by the Bank Authority. The appellant/writ petitioner participated in the said proceeding and adequate opportunity was given to him to ventilate his grievances. He availed those opportunities. Thereafter Enquiry Officer submitted detailed reasoned report. The appellant/writ petitioner submitted reply to the said enquiry report and the Disciplinary Authority passed its Order on 2nd January, 2007.

33. Challenging the said Order the appellant/writ petitioner preferred a statutory appeal and the same was rejected by the Appellate Authority vide its Order dated 8th August, 2007 after assigning reasons. Therefore, Mr. Routh contended that it

is not justified to argue that the appellant/writ petitioner was not provided reasonable opportunity by the Bank Authority or that no reason was assigned by the Appellate Authority while rejecting the appellant/writ petitioners appeal.

34. Mr. Routh further submitted that the impugned Order passed by the Honble Single Judge does not deserve any interference by this Court.

35. We have considered the rival submissions advanced by the learned Advocates of the parties and we have also carefully perused the charge-sheet, reply to the charge-sheet and the report passed by the Enquiry Officer as well as the Order passed by the Disciplinary Authority followed by the final Order passed by the Appellate Authority.

36. On a bare reading of the charge-sheet we could not accept the argument advanced by Mr. Maitra that the charge-sheet was given with a closed and biased mind. Charge-sheet elaborately narrated charges against the delinquent Officer. We considered the language and/or the words used in the charge-sheet and it could not be said as written with a closed and biased mind and further the appellant/writ petitioner understood the same and duly dealt with all the charges in his reply. We find that after considering those charges along with the reply and after given adequate opportunity to the appellant/writ petitioner an elaborate detailed reasoned report was also submitted by the Enquiry Officer against which the appellant/writ petitioner submitted his reply to the Disciplinary Authority which was also dealt with and considered by the Disciplinary Authority and ultimately Appellate Authority passed its order. Therefore, in our view, it is not at all correct to contend and appropriate to accept that the Disciplinary Authority proceeded with a closed and biased mind against the appellant/writ petitioner. Further what is revealed from the entire exercise of Disciplinary Proceedings ended with appellate Order and the records of this case it does not create any doubt in our mind that the Disciplinary Authority proceeded in a closed and biased mind or that the appellant/writ petitioner was not provided with reasonable opportunities to ventilate his grievances or there was any procedural irregularities found at the time of conducting Disciplinary Proceedings by the Enquiry Officer, Disciplinary Authority and the Appellate Authority.

37. Therefore after perusing the records and evidence, we have no hesitation to hold that the charges of misconduct levelled against the appellant/writ petitioner were established without any iota of doubt. Furthermore, mis-deeds committed by the appellant/writ petitioner at the time of recommending loans corroborated with charges and clearly proved misconduct.

38. It is well settled that an Order of affirmation does not demand any elaborate reasons. Brief reasons by the Appellate Authority to impose punishment thus suffice and in the instant case we find that the Appellate Authority before imposing penalty of dismissal assigned reasons in coming to that conclusion. The authority cited above also support our view.

39. Considering the gravity of misconduct committed by the appellant/writ petitioner being a responsible Officer of the Bank, we are of the view that the punishment imposed by the Appellate Authority cannot be described as shockingly disproportionate.

40. In our view that there is very limited scope for judicial review of the Order of punishment imposed by the Appellate Authority considering the records of the entire Disciplinary Proceedings and the decisions cited above support our view. It is well-settled principle of law that unless the proceedings is patently perverse and shockingly, illegal the Court should not interfere with the decision taken by the Disciplinary Authority which has been affirmed subsequently by the Appellate Authority.

41. We find that after giving careful consideration of the enquiry report, the order of Disciplinary Authority as well as the order of Appellate Authority the Honble Single Judge came to the findings, as quoted below ;For the reasons as discussed above, no interference is called for and the writ application is, accordingly, dismissed.

42. In our view, there is no infirmity in the impugned Order, therefore, the impugned Order does not deserve any interference.

43. Accordingly, the present appeal is liable to be dismissed, therefore, the appeal stands dismissed without any Order as to costs. I agree (Ashim Kumar Banerjee, J) (Ashim Kumar Banerjee, J) (Samapti Chatterjee, J)

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