

A

S.K. SINGH

v.

CENTRAL BANK OF INDIA AND ORS.

OCTOBER 19, 1996

B

[K. RAMASWAMY, FAIZAN UDDIN AND G.B. PATTANAIK, JJ.]

Service Law :

C

Removal from service—Branch Manager of a Bank—Disciplinary proceedings as cash found short—Enquiry conducted—Order of removal from service—Challenged on the ground that copy of enquiry report was not supplied—Negatived by High Court—On appeal held, though copy of the enquiry report not supplied, the employee could not satisfy the Court as to the prejudice caused to him on account of its non-supply—Hence there is no illegality in the decision taken by the High Court.

D

Managing Director, ECIL Hyderabad and Ors. v. B. Karunakar and Ors., [1993] 4 SCC 727, referred to.

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 18181 of 1996.

E

From the Judgment and Order dated 13.3.96 of the Madhya Pradesh High Court in L.P.A. No. 80 of 1996.

F

S.S. Khanduja, Yash Pal Dhingra and Baldev L. Satija for the
Petitioner

The following Order of the Court was delivered :

G

This petition is filed against the judgment of the Division Bench of the Madhya Pradesh High Court Gwalior Bench made on March 13, 1996 in L.P.A. No. 80/96.

H

The admitted position is that the petitioner was working as a Branch Manager in the respondent-Bank. A sum of Rs. 20,000 was found to be short in cash of the Branch. Therefore, disciplinary proceedings were initiated against him and an enquiry was conducted and he was removed from service. He challenged the order of his removal in an appeal which

was dismissed; the writ petition filed by him was also dismissed by the learned single Judge of the High Court and on appeal, it was confirmed. A

The only controversy raised in the High Court was that as he was not supplied with the copy of the enquiry report, the order of dismissal was bad in law. The learned Single Judge as well as the Division Bench of the High Court have considered the effect of the judgment of the Constitution Bench of this Court in *Managing Director, ECIL, Hyderabad and Ors. v. B. Karunakar and Ors.*, [1993] 4 SCC 727. The learned single Judge as well as the Division Bench of the High Court had asked the petitioner as to what prejudice the petitioner had suffered for non-supply thereof. Since there was no adequate explanation offered by the petitioner, the High Court came to the conclusion, that though the copy of the report was not supplied, on the facts, as no prejudice was proved, it was not a case warranting interference. B C

It is contended by Sri Khanduja, learned counsel for the petitioner that since this Court has laid down the law that supply of copy of the enquiry report is a pre-condition for a competent officer to take disciplinary action, the appropriate course would have been to send back the case to the disciplinary authority. *For this course*, normally there is no quarrel, as this Court had settled the law that a copy of the report needs to be supplied to the delinquent employee to enable him to make representation against the proposed action or punishment and, thereafter, the authority is required to consider that explanation offered by the petitioner and then to take decision on the quantum of punishment. In this case, though copy of the report was not supplied, he was asked by the learned Single Judge as well as by the Division bench as to what prejudice he suffered on account of non-supply of the report; but he was not able to satisfy the learned Judges as to the prejudice caused to him on account of non-supply of the enquiry report. On the facts, we find that there is no illegality in the decision taken by the High Court. D E F

The special leave petition is accordingly dismissed. G

G.N.

Petition dismissed.