

ITEM NO.48

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).9462/2004

(From the judgement and order dated 13/11/2003 in CWP No.10344/2003
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

KAUSHAL KISHORE YADAV

Petitioner(s)

VERSUS

MEMBER OF SECRETARY, U.P.

Respondent(s)

(With office report)

Date: 02/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. S.K. Divakar, Adv.
Mr. Deepak Kumar Singh, Adv.
Mr. Abhishek Atrey, Adv. (Not present)

For Respondent(s)

Mr. Ramesh Chandra Mishra, Adv.

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against order dated 13.11.2003 passed by the Division Bench of the Allahabad High Court, whereby the writ petition filed by the petitioner questioning his removal from service was dismissed.

While he was working as Secretary of District Cooperative Bank Ltd., Deoria (U.P.), the petitioner was

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placed under suspension vide order dated 8.4.1999.

Thereafter, a regular departmental enquiry was held against the petitioner on various charges including the one relating to misappropriation of the funds of the Bank.

Notice of the

enquiry was given to the petitioner by registered post and also by paper publication, but he did not appear before the Enquiry Officer who, after analysing the evidence produced

before him, submitted report with the finding that the charges levelled against the petitioner have been proved. A copy of the enquiry report was sent to the petitioner and he was given an opportunity to submit his explanation / clarification. The petitioner failed to avail that opportunity as well. The District Administrative Committee of the Bank considered the report of the case and passed order dated 31.7.2001 by which the petitioner was removed from service. The appeal preferred against the order of punishment was dismissed by the Departmental Administrative Committee. The writ petition filed by the petitioner questioning the order of punishment was dismissed by the Division Bench of the High Court.

We have heard learned counsel for the parties and carefully perused the record.

In our view, even though the order under challenge does not contain detailed reasons for negating the petitioner's challenge to the order of punishment as well as the appellate order, we do not find any valid ground to entertain his prayer for quashing the punishment because in
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the appeal filed by him against the order of punishment, the petitioner had offered to deposit a sum of rupees fifty thousand and this is clearly indicative of the fact that he had virtually admitted the allegation of misappropriation of funds.

The special leave petition is accordingly dismissed.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master