

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal(Civil)...../2004 (CC No. 9818)

(From the judgement and order dated 06/07/2004 in RP 327/04 in WA 1372/02 and judgment date d 10.2.2004 in W.A.No.1372 of 2002 of The HIGH COURT OF KERALA AT ERNAKULAM)

K. RAVEENDRAN

Petitioner (s)

VERSUS

DEPUTY GENERAL MANAGER, CANARA BANK

Respondent (s)

With I.A.1 (c/delay in filing SLP)
(With Office Report)

Date : 29/10/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)

Mr. K.K. Mani, Adv.

Mr. K.B.Sandeep, Adv.

For Respondent (s)

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

Delay condoned.

Heard Mr. K.K. Mani, learned counsel appearing on behalf of the petitioner in great detail. In our view, an officer of the bank who is guilty of misappropriation and forgery cannot be dealt with leniently in the manner as was sought to be done by the Industrial Tribunal and the Single Judge. The Division Bench is absolutely right in holding that in case of a bank, and, that too, a nationalised bank, if a person is found guilty of misappropriation and forgery, confidence would be lost in such a person. In such cases, no question arises of taking a lenient view.

Reliance placed on the case of Asstt. General Manager, SBI vs. Thomas Jose & Anr., reported in 2000 (10) SCC 280, is of no avail to the Petitioner. In our view, this case, on the contrary, is against the petitioner. Para 3 of this case reads as follows :-

"3. In the aforesaid case, in more or less similar circumstances, this Court declined to interfere with the view taken by the Labour Court that an errant workman should be given an opportunity to reform himself and prove to be a loyal and disciplined employee of Scooters India Ltd. There is, in our view, a vital difference between an undertaking such as Scooters India Ltd. and the bank. A bank deals with public moneys. Misappropriation by an employee of a bank is misappropriation of public moneys and must be treated very differently. Misconduct such as this cannot be treated as lightly as it has been done. We think that the appropriate order should at least have been of reinstatement without back wages plus a direction that the first respondent would not be entitled to any increments for a substantial period with all the cumulative consequences of such an order. That is the order that we propose to pass."

It must be mentioned this Court only allowed the appeal with a view to increase the punishment which had been imposed.

For the reasons stated above, we see no reason to interfere. The special leave petition is, accordingly, dismissed.

(Satish K. Yadav)
Court Master

(Vijay Dhawan)
Court Master