

Harinarayan Srivastav

Vs

United Commercial Bank and Another

SLP (C) No. 8329 of 1997

(K. Ramaswamy, D. P. Wadhwa JJ)

31.03.1997

ORDER

1. Delay condoned.
2. This special leave petition arises from the judgment of the Single Judge of the Madhya Pradesh High Court, Jabalpur Bench, made on 28-10-1996 in WP No. 4472 of 1996.
3. A charge-sheet has been given to the petitioner on the allegation that he sanctioned loan for non-existing fictitious persons and got disbursement of demand drafts mentioned in the charge-sheet within two days, i.e., 10-12-1990 and 11-12-1990 in favour of M/s. Sudarshan Trading Co. of Bhopal for Rs. 2,80,000. On the basis thereof, the respondents imputed that the petitioner committed the misconduct. An enquiry had been initiated and is now being proceeded against him. He filed an application for permission to engage the services of an advocate. The permission was refused. In the writ petition, the petitioner contended that the charge-sheet was filed against him in the criminal court for the selfsame offence. To view of the fact that the matter is pending in the criminal court, an assistance of the advocate is necessary. Since presenting officer of the bank is a law graduate, denial of the assistance of an advocate is violative of principles of natural justice. The High Court has held that since the facts are not complicated and the presenting officer of the bank is not a legally trained person, assistance of an advocate is not mandatory in the domestic enquiry. On these simple facts, he could himself or through any other employee defend the case without the assistance of an advocate. On that basis, the High Court has held that denial of assistance of an advocate is not violative of principles of natural justice.
4. The learned counsel for the petitioner contends that since the charge-sheet has already been filed and criminal trial is pending, any enquiry conducted against the petitioner himself or any of the officer, as notified in para 19.12 of the Bipartite Settlement, would prejudicially affect the petitioner's case and therefore, the denial of the assistance of an advocate is violative of the principles of natural justice. We find no force in the contention.
5. As per Rule 19.12 of the Bipartite Settlement, the permission to defend himself with the assistance of the advocate is one of the options to be given by the bank. We have perused the charge-sheet in the enquiry now sought to be proceeded against the petitioner. The allegations are very simple and they are not complicated. Under these circumstances, we do not think that the failure to permit the petitioner to engage an advocate is violative of the principles of natural justice.
6. The special leave petition is accordingly dismissed.