



**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P (S) No. 8000 of 2012**

Sudhir Kujur, S/o Chamaru Kujur, resident of Village-Putungi, PO & PS-  
Mauadanr, District-Latehar .....**Petitioner**

*Versus*

1. The Punjab National Bank, through Circle Head, Jharkhand Circle Office, Jharkhand Circle office, Bagroy Market, Main Road, Ranchi, P.O. & P.S. Daily Market, Distt. Ranchi.
2. The Chief Manager (Disciplinary Authority) Punjab National Bank, Main Road, Ranchi, P.O. & P.S. Daily Market, Distt. Ranchi.
3. The Branch Manager, Punjab National Bank, Bazar Branch Daltonganj, P.O. & P.S. Daltonganj, Distt. Palamau.
4. The Enquiry Officer, Punjab National Bank, Bazar Branch Daltonganj, P.O. & P.S. Daltonganj, Distt. Palamau.

..... **Respondents**

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

For the Petitioners : Mr. Jai Shankar Tripathi, Advocate

Mr. Venkatesh Kumar, Advocate

For the Resp.-Bank : Mr. Pratyush Kumar, Advocate

Ms. Tatu Gupta, Advocate

Mr. Viswajeetjee Chaturvedi, Advocate

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**Order No.12/Dated: 13<sup>th</sup> May, 2026**

**I.A No.3313 of 2016**

1. The instant interlocutory application has been filed for addition of prayer to the effect that the order passed by the appellate authority, i.e., the Deputy General Manager, Disciplinary Action Cell of Punjab National Bank, Ranchi dated 16.02.2012 may be made part of the writ petition by which the order passed by the disciplinary authority has been upheld.
2. It has been submitted that the order passed by the appellate authority could not have been challenged since the same was communicated after filing of the writ petition. It has further been submitted that since the



appellate authority has upheld the order passed by the disciplinary authority and, as such, even if it may be allowed the nature of the writ petition will not be changed.

3. Mr. Pratyush Kumar, the learned counsel appearing for the respondent-Bank has fairly submitted that the instant interlocutory application may be allowed.
4. Considering the submission made on behalf of the parties and taking into consideration the fact that the appellate authority has upheld the order passed by the disciplinary authority which has been communicated to the petitioner after filing of the present writ petition, this Court, therefore, is of the view that the instant interlocutory application is to be allowed, since, the nature of the *lis* will not be changed.
5. Accordingly, the instant interlocutory application being I.A No.3313 of 2016 stands allowed. and disposed of as such.
6. Consequently, the order dated 16.02.2012 passed by the appellate authority is being made part of the writ petition.
7. Office to proceed accordingly.
8. I.A. No.3313 of 2016 stands disposed of.

**W.P.(S) No.8000 of 2012**

9. The present writ petition under Article 226 of the Constitution of India has been preferred challenging the order dated 04.07.2011 passed by the disciplinary authority by which the petitioner has been discharged from his service along with the superannuation benefit which has been upheld by the appellate authority vide order dated 16.02.2012.

**Factual Matrix**



10. The brief facts of the case as per the pleadings made in the writ petition reads as under:

- (i) The petitioner was joined in the Bank on 25.03.1985 at Fatehpur as a Clerk thereafter he was transferred to Branch Office, Nimi on 2.1.2000 as a clerk. On 01.02.2005 he joined at Daltonganj Branch Office as clerk-cum- cashier.
- (ii) Prior to 17.7.2008, in a long tenure of service like more than 23 years the petitioner never faced a departmental enquiry or departmental proceeding or any others complaint against him by the customer/consumer. The petitioner always tried to perform routine Banking duty; some trainings are imparted for better working at the Branch level.
- (iii) It is stated that without considering the facts and circumstances, the petitioner discharged from his service with superannuation benefits, i.e., pension and/or Provident Fund amount, Gratuity as would be due otherwise under the Rule or Regulation it is against the Provision of Law and norms of the Bank.
- (iv) It is also very relevant to point out here that even on by transferred to the petitioner at the Daltonganj Branch Office on 01.02.2005, he performed his duty of best of his ability regularly and there was no any criminal proceeding/punishment against him.
- (v) There is no fault, so far the occurrence on 17.7.2008 is concerned as on that very day a voucher of Rs. 15,000/- (Fifteen thousand) only was not posted in the cash-book which was received by another cashier to the Bank. The voucher might have been



misplaced and was not posted by the dealing clerk/officer to the Bank.

- (vi) At the end of the working hours, the petitioner was arranging the cash for depositing the same in the safe, according to cash-book the petitioner found the excess cash of Rs. 15,000/- and thereafter taking an advice from this senior colleague, he deposited the same in the sundry account by an officer of the Branch.
- (vii) On 22.09.2008, on that very same day, the second charge against the petitioner is tendered. The border of the stamp put by the cashier was in such a way that one digit of the mount mentioned in the deposit slip, was not visible. The actual amount deposited seemed to be different. This difference was neither detected by Cash Book writer nor by the officer who checked the Cash book while tallying his cash with the Cash Book. The petitioner found that there were differences.
- (viii) The cash shortage of Rs. 83650/- occurred on 08.10.2008 if go to the depth of the incidence, will find that shortage of cash found in the safe was found as excess cash (Rs. 50,000/-) remitted to the currency chest. This implies that the shortage was not done intentionally. As per extant guidelines, contained in the Book of Instruction Chapter-14 (Routine), the shortage of cash is to be made good. As advised by the Chief Manager, the petitioner deposited the remaining amount of Rs.33650/- within the stipulated period. So far third charge is concerned that is concocted and the petitioner gave details in his memo of appeal.



- (ix) The petitioner has properly given the answers for all the questions as made by or asked by Sri Niranjana Choudhary respectively.
- (x) The charge sheet dated 07.02.2009 vide Ref. No. COR/I/DAC/Cash Short/DI/37/384 is not justified and against the facts and circumstances of the case and for the offences have not committed by the petitioner himself and also without giving the proper opportunity to the petitioner against the natural justice, hence, it is fit to be quashed.
- (xi) That on 02.04.2011 vide Ref. No. COR:I:Cash-Short/37/592 in the garb of the show-cause notice the Chief Manager (Disciplinary Authority) has sent a letter to the petitioner for the proposed penalty, i.e. illegal, unjustified and without any basis and vindictive attitude of the respondent authority.
- (xii) The order of disciplinary authority dated 04.07.2011 vide Ref. No.COR:DAC:Cash-Shortage/1076 is without considering the facts and circumstances of the case against the natural justice, against the provision of law and norms of the Bank for the offences the petitioner has no concern without giving the adequate opportunity to him.
- (xiii) During pendency of the present writ petition the disciplinary authority, i.e, the Circle Head, Punjab National Bank, Jharkhand Circle Office, Ranchi has passed the order dated 16.02.2012 whereby and whereunder the petitioner's service has been terminated and he has been ordered to be removed from service which is illegal and against the provision of law.



11. Being aggrieved with the order dated 04.07.2011 passed by the Disciplinary Authority and the order dated 16.02.2012 passed by the Appellate Authority, the present writ petition has been preferred by the writ petitioner.
12. It is evident from the factual aspect that the petitioner while working as clerk-cum-cashier he was charge sheeted for alleged commission of misconduct alleging therein the charges which are being referred hereunder as:

### **Charge Sheet**

*“While working as Head Cashier of BO: Daltonganj you allegedly committed the following lapses / irregularities, and thus jeopardized bank's interest.*

**Charge 1:**

*On 17.07.2008 Sh. Shyam Bihari Prasad, Cashier received Rs.15000/-from Sh. S. Faiyaz Ahmed for credit to his PPF account. At the close of the day he handed over his entire cash to the Head Cashier. While working as Head Cashier on 17.07.2008, you received correct total of cash from the receiving cashier Sh. Prasad and prepared the correct details of physical cash.*

*The said voucher was not posted which reduced the total cash receipt and resultantly the closing balance in the cash book was also reduced by Rs.15000/-.*

*When you came to know that as per cash book closing cash balance is less by Rs.15000/-, you took out 15 notes of Rs.1000/- (as in your long book, no. of notes of Rs.1000/- were 665 but in the cash reserve book and cash balance book 650 notes of Rs. 1000/- were deposited).*

*In the statement given to investigating officer you had mentioned that you deposited the amount of Rs.15000/- in Sundries on 18.07.2008, but on perusal of Sundries a/e it is observed that it is not correct.*

*Thus you failed to ensure that cash balance as per cash book and cash balance book on 17.07.2008 is tallied before closing the cash and embezzled Rs.15000/- on 17.07.2008.*

**Charge 2:**

*On 22.09.2008 M's Shakti Handloom deposited Rs. 17231/-for credit of account No. 0551009300038206 of M/s P.T.Fabrics. The receiving cashier Smt. Matilda Kujur correctly received the cash from the party. At the end of the day you, while working as Head Cashier, received the correct total of cash from Smt. Matilda Kujur, the receiving cashier.*

*In the system the account was credited by Rs.1723/- instead of Rs. 17231/-. This resulted in reduction of closing cash balance in the Cash Book by Rs. 15508/-, thus the cash was in excess by this amount. On 23.09.2008 cash was accordingly withdrawn from the vault i.e. excess by Rs.15508/- as compared to Cash Book figure. In the meanwhile, you came to know about the difference in the closing*



*balance date 22.09.2008. You embezzled Rs.15508/- from physical cash and got tallied the closing balance of 23.09.2008.*

*Thus, you failed to ensure that cash balance as per cash book and cash balance book on 22.09.2008 is tallied before closing the cash and embezzled Rs.15508/-on 23.09.2008.*

***Charge 3:***

*While you were working as Head Cashier, Cash shortage of Rs.83650/-occurred on 08.10.2008. You deposited Rs.33650/- by cash on 23.12.2008 towards adjustment of the entry, which implies that the said cash was embezzled by you.*

*As per Investigation Report, Currency Chest In-charge-Sh. Mahesh Minj reported that excess cash of RS.50000/- was found in cash remitted by branch to chest.*

*You accepted in reply to Investigation Officer's Question No.5 put to you (as mentioned in Report) that you used to put packets containing less notes in the vault.*

*Thus, you did not follow Bank guidelines in respect of Cash Management and indulged in practices detrimental to the interests of the Bank.*

*Thus, you committed acts in contravention of the guidelines, which are prejudicial to the interest of the bank and caused the bank serious loss and thus committed a gross misconduct in terms of Clause 5j of Chapter XIX of the Bipartite Settlement dt. 19/10/1966 as amended from time to time.”*

13. The authority has asked the writ petitioner to participate in the inquiry upon which he has participated in the inquiry proceeding and put his defence. The inquiry officer has found the charge proved. The inquiry report was forwarded to the disciplinary authority. The disciplinary authority while accepting the inquiry report has given the final opportunity to the petitioner to defend himself and being not satisfied with the response so made, the order of punishment was passed on 04.07.2011 by which the writ petitioner was discharged from his service with all retiral benefits.
14. The order passed by the disciplinary authority has been carried to the appellate authority, but the appellate authority has declined to interfere with the view taken by the disciplinary authority against which the present writ petition has been filed.

**Submission of the learned counsel for the petitioner:**



15. Mr. Jai Shankar Tripathi, the learned counsel appearing for the petitioner in support of his contention has taken the following grounds:

- (i) The disciplinary authority has not appreciated the fact that even though the amount of Rs.15000/- which is being said to be embezzled has already been deposited in the sundry account of the concerned branch of the bank and, as such, there is no element of dishonesty but the same has not been taken into consideration by the authority concerned.
- (ii) It has been submitted that the quantum of punishment is so high which is not commensurate with the offence said to be committed by the writ petitioner.
- (iii) It has also been submitted that the aforesaid aspect of the matter has also not been appreciated in right perspective by the appellate authority who has upheld the order of the disciplinary authority.

16. The learned counsel appearing for the petitioner, based upon the aforesaid grounds, has submitted that the impugned orders are not sustainable in the eyes of law and, as such, the same is liable to be quashed and set aside.

**Submission of the learned counsel for the respondent-Bank:**

17. On the other hand, Mr. Pratyush Kumar, the learned counsel for the respondent-Bank has taken the following grounds in support of the orders impugned:

- (i) That the writ petitioner has been given full opportunity to defend himself in each and every stage, i.e., at the stage of inquiry as well as the disciplinary proceeding as also up to the stage of appellate authority. The inquiry officer after considering the



entire defence put forth by the writ petitioner has found the charge proved against him.

- (ii) The finding of the proved charge was forwarded by the inquiry officer to the disciplinary authority who on its acceptance has decided to inflict punishment of discharged from his service with all retiral benefits.
- (iii) The same has also been declined to be interfered with by the appellate authority vide its order dated 16.02.2012.

18. The argument basically has been advanced that in the matter of decision taken in the administrative side by the disciplinary authority the jurisdiction which is to be exercised by this Court under Article 226 of the Constitution of India is very limited and only in the cases where the violation of principle of natural justice or the perversity in the finding is there, then only such interference is to be shown.

19. The learned counsel for the respondent-Bank, based upon the aforesaid grounds, has submitted that it is not a fit case where interference is required.

**Analysis:**

20. This Court has heard the learned counsel for the parties, gone through the pleadings made in the writ petition as also the counter affidavit filed on behalf of the respondents and the findings recorded by the inquiry officer as has been taken note by the disciplinary authority as well as by the appellate authority.

21. The charges have been framed against the writ petitioner as has been referred hereinabove.

22. This Court has gone through the nature of charges and has found that the element of misconduct has been alleged against the writ petitioner



in the capacity of in-charge of cash of the concerned branch of bank and as per the admitted case of the writ petitioner a sum of Rs.15000/- which was found to be embezzled has subsequently been deposited in the sundry account.

23. The aforesaid aspect, therefore, reflects that the element of misconduct has been admitted by the writ petitioner.
24. The inquiry officer has considered the said aspect of the matter and has found the same to be proved. The disciplinary authority while accepting the same has decided to take a lenient view by passing the order of discharge taking into consideration the length of service rendered by the writ petitioner for about a period of 23 years and has allowed to get him the superannuation benefit.
25. The order passed by the disciplinary authority has been challenged before the appellate authority which also affirmed the decision of the disciplinary authority and declined to interfere with the matter.
26. The question of interference by this Court in exercise of power conferred under Article 226 of the Constitution of India on the basis objection raised on behalf of the respondent-Bank in a situation where the inquiry pertains to conduct of a banker who deals with the public money.
27. This Court, before proceeding to examine the propriety of the order passed by the learned Single Judge, deems it fit and proper to refer the judgments pertaining to jurisdiction of the High Court to show the interference with the decision taken by the administrative authority in the departmental proceeding.
28. The Hon'ble Apex Court in the case of *Union of India & Others vs. P. Gunasekaran*, (2015) 2 SSC 610 has held at paragraphs-12 and 13



thereof that the following guidelines have been laid down for showing interference in the decision taken by the disciplinary authority and not to interfere with the decision, which reads as under:

- “12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge No. 1 was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:*
- a. the enquiry is held by a competent authority;*
  - b. the enquiry is held according to the procedure prescribed in that behalf;*
  - c. there is violation of the principles of natural justice in conducting the proceedings;*
  - d. the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
  - e. the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
  - f. the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
  - g. the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
  - h. the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
  - i. the finding of fact is based on no evidence.*
- 13. Under Article 226/227 of the Constitution of India, the High Court shall not:*
- (i). re-appreciate the evidence;*
  - (ii). interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
  - (iii). go into the adequacy of the evidence;*
  - (iv). go into the reliability of the evidence;*
  - (v). interfere, if there be some legal evidence on which findings can be based.*
  - (vi). correct the error of fact however grave it may appear to be;*
  - (vii). go into the proportionality of punishment unless it shocks its conscience.”*

29. Further, in ***Central Industrial Security Force and Ors. vs. Abrar Ali, [(2017) 4 SCC 507]***, following guidelines have been laid down by the Apex Court for interference by the High Court and the Hon’ble Apex Court has observed that courts will not interfere with findings of fact



recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse in the matter of punishment imposed on conclusion of the departmental proceeding. The extract of relevant passages, i.e., para 13 and 14, are referred hereinbelow:

*“13. Contrary to findings of the Disciplinary Authority, the High Court accepted the version of the Respondent that he fell ill and was being treated by a local doctor without assigning any reasons. It was held by the Disciplinary Authority that the Unit had better medical facilities which could have been availed by the Respondent if he was really suffering from illness. It was further held that the delinquent did not produce any evidence of treatment by a local doctor. The High Court should not have entered into the arena of facts which tantamounts to reappreciation of evidence. It is settled law that reappreciation of evidence is not permissible in the exercise of jurisdiction under Article 226 of the Constitution of India.*

*14. In State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaiya, [(2011) 4 SCC 584], this Court held as follows:*

*"7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic inquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations."*

30. It is evident from the aforesaid judgments that the power which is to be exercised by the High Court under Article 226 of the Constitution of India is very limited one. However, the parameter has been fixed, as to in which case, the interference is to be made by the High Court in exercise of the power conferred under Article 226 of the Constitution of India and in which case, such power is not to be exercised.



31. It has also been held by the Hon'ble Apex Court in the judgment rendered in the case of "*Union of India & Others vs. P. Gunasekaran*" (*supra*) and "*Central Industrial Security Force and Ors. vs. Abrar Ali*" (*supra*) that the jurisdiction of the Court under Article 226 of the Constitution of India so far as it relates to interfering with the decision taken by the disciplinary authority, the same is very limited and to be exercised only in the following situations:

- (i) if there is violation of the principles of natural justice in conducting the proceedings;
- (ii) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;
- (iii) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion; and the disciplinary authority had erroneously failed to admit the admissible and material evidence;
- (iv) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding; and if the finding of fact is based on no evidence.

32. This Court also needs to refer herein the judicial pronouncement of the Hon'ble Apex Court on the issue of quantum of punishment dealing with the case of the employees working in the financial institutions like the bank, holding therein that the bankers are supposed to perform their duty with utmost sincerity and integrity and they are to be treated differently to the other civil servants on the ground that they are dealing with the public money. Reference in this regard be made to the judgment rendered *in Chairman and Managing Director, United*



**Commercial Bank & Ors. Vs. P.C. Kakkar, [(2003) 4 SCC 364]**, which reads as hereunder:

*“14.A bank officer is required to exercise higher standards of honesty and integrity. He deals with the money of the depositors and the customers. Every officer/employee of the bank is required to take all possible steps to protect the interests of the bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a bank officer. Good conduct and discipline are inseparable from the functioning of every officer/employee of the bank. As was observed by this Court in Disciplinary Authority-cum-Regional Manager v. Nikunja Bihari Patnaik [(1996) 9 SCC 69 : 1996 SCC (L&S) 1194] it is no defence available to say that there was no loss or profit resulted in case, when the officer/employee acted without authority. The very discipline of an organization more particularly a bank is dependent upon each of its officers and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and is a misconduct. The charges against the employee were not casual in nature and were serious. These aspects do not appear to have been kept in view by the High Court.”*

33. Further, the Hon'ble Apex Court in the judgment rendered in **State Bank of India & Ors Vs. S.N. Goyal [(2008) 8 SCC 92]** has been pleased to hold at paragraph-41 as under:

*“41. At the relevant point of time the respondent was functioning as a Branch Manager. A bank survives on the trust of its clientele and constituents. The position of the Manager of a bank is a matter of great trust. The employees of the bank in particular the Manager are expected to act with absolute integrity and*



*honesty in handling the funds of the customers/borrowers of the bank. Any misappropriation, even temporary, of the funds of the bank or its customers/borrowers constitutes a serious misconduct, inviting severe punishment. When a borrower makes any payment towards a loan, the Manager of the bank receiving such amount is required to credit it immediately to the borrower's account. If the matter is to be viewed lightly or leniently it will encourage other bank employees to indulge in such activities thereby undermining the entire banking system. The request for reducing the punishment is misconceived and rejected.”*

34. It is, thus, evident that the service rendered by the civilian and the bankers are on two different pedestals as the bankers are to discharge their duty with utmost sincerity. A bank survives on the trust of its clientele and constituents. The employees of the bank are expected to act with absolute integrity and honesty in handling the funds of the customers/borrowers of the bank. Any misappropriation, even temporary, of the funds of the bank or its customers/borrowers constitutes a serious misconduct, inviting severe punishment.

35. This Court is now proceeding to examine as to whether the fact of the present case is coming under the fold of the law as laid down and as per the guideline formulated in the judgment as referred hereinabove.

36. Herein the similar is the position, since, it is evident that after framing of charge, the proceeding started by commencement of the enquiry and the charge has been found to be proved by the enquiry officer. The disciplinary authority by taking into consideration the gross misconduct committed by the appellant in misappropriation of public money,



accordingly, the disciplinary authority imposed the punishment which has been affirmed by the appellate authority.

37. It is not the case of the writ petitioner that he has not been provided adequate opportunity of hearing, rather argument advanced of behalf of the writ petitioner is that a lenient/sympathetical view may be taken, meaning thereby, so far as the finding of misconduct is concerned as has been arrived at by the inquiry officer the writ petitioner is not questioning, rather he is only harping upon the issue on quantum of punishment.

38. The question of quantum of punishment as to whether the punishment is disproportionate to the offence said to be committed which is the subject matter to be taken into consideration by the Court of Law and the law is well settled that if any punishment is imposed which is grievous in comparison to the gravity of offence, then certainly the question of quantum in imposition of punishment is to be considered. But, in such circumstances conscience of the Court is to be shocked and while considering the case on the question of quantum, a reason is to be assigned that what led the court in shocking the conscience warranting interference with punishment. Reference in this regard be made to the judgment rendered by the Hon'ble Apex Court in *Director General, RPF and Ors. Vs. Ch. Sai Babu, (2003) 4 SCC 331* wherein at paragraph-6 it has been observed that the punishment imposed was extreme was not enough to disturb or modify the punishment imposed on a delinquent officer since the learned Single Judge has not recorded reasons to say as to how the punishment imposed on the respondent was shockingly or grossly disproportionate to the gravity of charges held



proved against the respondent. Paragraph 6 of the said judgment is being reproduced as under:

*“6. As is evident from the order of the learned Single Judge, there has been no consideration of the facts and circumstances of the case including as to the nature of charges held proved against the respondent to say that penalty of removal from service imposed on the respondent was extreme. Merely because it was felt that the punishment imposed was extreme was not enough to disturb or modify the punishment imposed on a delinquent officer. The learned Single Judge has not recorded reasons to say as to how the punishment imposed on the respondent was shockingly or grossly disproportionate to the gravity of charges held proved against the respondent. It is not that in every case of imposing a punishment of removal or dismissal from service a High Court can modify such punishment merely by saying that it is shockingly disproportionate. Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier; the nature of duties assigned having due regard to their sensitiveness, exactness expected of and discipline required to be maintained, and the department/establishment in which the delinquent person concerned works”.*

39. Herein, in the instant case considering the nature of allegation levelled against the writ petitioner which is shocking the moral turpitude and due to the said misconduct the respondent-Bank has lost the control



upon the writ petitioner and, as such, for the purpose of making a balance the respondent-bank has taken a decision to dispense with the service of the writ petitioner by discharging him, but simultaneously the care has been taken by keeping the fact into consideration of 23 years of service in holding the writ petitioner entitled for superannuation benefit.

40. This Court, therefore, is of the view that considering the nature of allegation and the fact finding arrived at by the inquiry officer it is not a case where the disciplinary authority is to be faulted for the reason that the disciplinary authority has given a lenient view while considering the length of service of 23 years of the writ petitioner holding him entitled for the superannuation benefit.

41. This Court, in the entirety of facts and circumstances of the case as discussed hereinabove, is of the view that order passed by the disciplinary authority dated 04.07.2011 and order dated 16.02.2012 by the appellate authority upholding the order of disciplinary authority does not require any interreference.

42. Accordingly, the instant writ petition stands dismissed and disposed of as such.

43. Pending I.As, if any, stands disposed of.

**(Sujit Narayan Prasad, J.)**

Dated:13.05.2026.

Sudhir

AFR