IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6821 of 2020

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Vinay Verma son of Late Sukhdev Prasad Verma, Resident of Mohalla-Balbhadarpur, House No. 60, near L.I.C. Office, P.o. and P.s.- Laheriasarai, District- Darbhanga

... ... Petitioner/s

Versus

1. Uttar Bihar Gramin Bank through its Chairman Head Office Kalambagh Road, Muzaffarpur, 842001
2. The Chairman cum the Appellate Authority, Uttar Bihar Gramin Bank, Head Office Kalambagh Road, Muzaffarpur, 842001
3. The Chief Manager, Uttar Bihar Gramin Bank, Head Office Kalambagh Road, Muzaffarpur, 842001
4. The General Manager cum the Disciplinary Authority, Uttar Bihar Gramin Bank, Head Office Kalambagh Road, Muzaffarpur, 842001
5. The Regional Manager, Jhanjharpur, Uttar Bihar Gramin Bank, ADB Chowk, P.o.- Araria, District- Araria
6. The Branch Manager, Bithauli Branch, Uttar Bihar Gramin Bank, Post-Bithauli, Laheriasarai- Biraul Road, District Darbhanga

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore, Sr. Adv. Mr. Md. Shahnawaz Ali, Adv. Mr. Md. Shadab Alam, Adv. Mr. Bipin Kumar, Adv. Mr. Suraj Samdarshi, Adv.
For the Respondent/s	:	Mr. Prabhakar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 23-07-2026

Heard Mr. Shivendra Kishore, learned Senior Advocate, along with Mr. Md. Shahnawaz Ali, learned Advocate for the petitioner and Mr. Prabhaka Jha, learned Advocate for the Uttar Bihar Gramin Bank.

2. The challenge in the present writ petition is made to an order contained in letter No. HO/DAD/12/19-20/No. 319 dated 23.10.2019 issued by the General Manager-cum-Disciplinary Authority whereby the petitioner has been inflicted with the punishment of dismissal. The petitioner also sought quashing of the order dated 04.01.2020 contained in letter No. HO/DAD/12/19-20/No. 458 passed by the respondent Chairman-cum-Appellate Authority whereby the appeal preferred by the petitioner against the order of dismissal came to be rejected.

3. The facts, in brief, leading to institution of the present writ petition are that the petitioner was duly appointed to the post of Junior Management (JMGS Grade-I) Officer. After working so many places, in May, 2017 the petitioner was posted as Branch Manager, Bithauli Branch, Uttar Bihar Gramin Bank (in short 'Bank'); Subsequently he was transferred as Branch Manger to Araria Sangrampur Branch in the month of July, 2019. While working as Branch Manager (Officer Scale-I) at Bithauli Brnach under Regional Office, Darbhanga, a Charge Sheet was duly issued to the petitioner alleging the act of omission and commission of the petitioner constituting

misconduct under Regulations 18 and 20 of the Uttar Bihar Gramin Bank (Officers & Employees) Service Regulation, 2010 read with Amended Regulation 2013, attracting penalty under Regulation 39. The articles of charges against the petitioner clearly reveal that the petitioner by using his power flouted the financing norms of the Bank, committed gross misconduct in violation of the banking norms, fraudulently sanctioned and disbursed 44 fake loan with malafide intention to the fake borrowers under Joint Liability Kisan Credit Card (in short 'JLKCC') Schemes. The aforesaid act of the petitioner was found to be unbecoming of Bank's Officer and prejudicial to the interest of the Bank which constituted misconduct.

4. On receipt of the notice, the petitioner submitted his reply. However, the same did not satisfy the authority and a departmental proceeding was commenced; the Enquiry Officer and the Presenting Officer were appointed. The petitioner submitted his detailed statement of defence. On the other hand, the Management Representative/Presenting Officer produced documentary evidences and one witness in the proceeding along with other necessary papers, including the copy of 44 loan documents, as per the demand of the petitioner. The defence also produced 5 documents and examined three defence

witnesses during departmental enquiry. The Presenting Officer also submitted his written brief statements and finally the Conducting Officer returned his finding by holding the charges proved against the petitioner vide enquiry report dated 27.09.2019 (Annexure-17 to the writ petition). The petitioner was further called upon to submit his submission in respect of finding of Enquiry Officer, which was responded vide letter dated 12.10.2019. The Disciplinary Authority on consideration of the facts emerged in the enquiry and the materials available on record, vis-a-vis the gravity of charge proved, inflicted the "punishment of dismissal which shall ordinarily be a disqualification for future employment" vide order dated 23.10.2019 (Annexure-18) in terms of Regulation 39(1)(b)(v) of the Service Regulation, 2010 read with the Amended Regulation, 2013. Aggrieved, the petitioner preferred appeal before the Appellate Authority-cum-Chairman which came to be rejected vide order dated 04.01.2020 (Annexure-22) by concurring the decision of the Disciplinary Authority.

5. Mr. Shivendra Kishore, learned Senior Advocate adverting to the facts submitted that upon transfer of the petitioner from Bithauli Branch to Araria Sangrampur Branch, with respect to 44 JLKCC loan accounts, an enquiry was

conducted by one Gautam Govind, (Branch Manager, Shiv Nagar Ghat) and he submitted his report on 27.08.2018 alleging that since there is a failure on the part of the petitioner, who failed to give importance to KYC verification and pre-sanction verification, hence the outstanding amount of Rs.14,11,432/- ought to be recovered from the petitioner as all the loan accounts were fake. Based upon such report, the Assistant Regional Manager was appointed as Examinee Officer, who vide his letter No. 179 dated 13.09.2018 intimated that there is no accountability of the petitioner. The report of the Assistant Regional Manager was also intimated to the Chief Manager of the Bank through the Regional Manager vide letter No. 210 dated 14.09.2018 stating therein that the so called alleged fake accounts have been closed after recovery of the loan amount and thus it was recommended that in the light of the aforesaid letters, no accountability of any officer/employee of the Bank is surfaced. But surprisingly the same Branch Manager who had vide his letter No. 179 dated 13.09.2018 certified that the loan accounts were not fake, informed the Regional Manager that what had been communicated earlier that was a mistake due to oversight, and in fact all the 44 JLKCC loan accounts were completely fake which led to reference of the matter in a Fraud

Declaration Committee and to the utter surprise the Regional Manager, Assistant Regional Manager and the then Branch Manager, who had earlier certified that there was no accountability of any officer or employee with respect of 44 JLKCC loan accounts, decided to recommend to the Head Office to take action against the petitioner. It is the specific case of the petitioner that he had followed all the norms of the Bank while sanctioning the loan after proper verification of the beneficiaries through Voter ID Card presented by them. Since there was no mechanism to verify the authenticity of the Voter ID Card and thus on the basis of local inspection, loan amounts were sanctioned.

6. Mr. Shivendra Kishore, learned Senior Advocate for the petitioner while assailing the impugned orders submitted that the charge sheet being defective not accompanied by the distinct and precise statement of imputation, list of documents and list of witnesses, the disciplinary authority proceeded thereupon, is *per se* illegal and the finding of the Enquiry Officer is based on no evidence and, as such, the alleged charges were not proved in the manner known to the law. It is further contended that despite the demand having been made by the delinquent petitioner, copies of prosecution documents were not

provided and thus the entire disciplinary proceeding stands vitiated in the eye of law. It is vehemently contended that when the charge sheet and the enquiry report are defective, then automatically all future orders shall also become defective. To support the aforesaid contention, reliance has been placed on the decision rendered in the cases of ***Roop Singh Negi Vs. The Punjab National Bank & Ors. [(2009) 2 SCC 570], State of Uttar Pradesh & Ors. Vs. Saroj Kumar Sinha [(2010) 2 SCC 772]*** and in the case of ***Kuldeep Singh vs. The Commissioner of Police & Ors. [(1999) 2 SCC 10].***

7. It is further contended that a Bench of this Court in the case of ***Manish Prajapati Vs. The State of Bihar & Ors. [2025(3) BLJ 232 (Pat.)]*** where the charge memo does not contain any list of witness nor it was ever produced during enquiry, the Court held that without citing any witness in the charge memo, the Enquiry Officer recorded the statement of some of the witnesses which were not relevant and thus the Court held that the allegation has not been proved as it is a case of no evidence.

8. Learned Senior Advocate further argued that the Enquiry Officer as well as the disciplinary authority has illegally returned the finding of charges proved against the petitioner by

illegally shifting the onus of disapproving the same upon the petitioner which is clearly unsustainable in the eye of law. **[Vide:*Tej Narayan Chaudhary Vs. The State of Bihar & Ors, 2020(1) BLJ 11]***. The disciplinary authority completely failed to consider the explanation of the petitioner on the findings given by the Enquiry Officer while inflicting severest punishment of dismissal which shall ordinarily be a disqualification for future employment.

9. It is further urged that the report of the Gautam Govind based upon which the Enquiry Officer returned his finding of guilt is wholly perverse and rested upon presumption and it is not clear as to how he reached on such conclusion. The certificate of the Mukhiya which was produced and exhibited by the Management has not even been proved as the concerned Mukhiya has never been examined and thus cannot be relied upon. The finding of the Enquiry Officer that the petitioner did not follow the norms and conditions of the Bank is vague and unfounded as the enquiring authority failed to refer any specific banking norms which the petitioner had violated. There is nothing on record to suggest that the petitioner was the beneficiary of the loan amount. Furthermore, the order of punishment is grossly disproportionate to the charges and has

caused grave prejudice not only to the petitioner but also to his entire family. To support his submission, reliance has also been placed on a decision rendered in the case of ***Surekha Domaji Bele Vs. Executive Engineer, Testing Division, MSEDCL[2026 SCC OnLine SC 1109]***.

10. *Per contra*, learned Advocate for the Bank, Mr. Prabhakar Jha vehemently refuted the contention of the learned Advocate for the petitioner and submitted that it was the responsibility of the petitioner as Branch Manager to establish the genuineness of the borrowers and in the instant case it has already been established that the petitioner sanctioned and disbursed loan to the fake borrowers, who do not even exist at the address mentioned in the KYC which clearly depicts the petitioner had not even visited the borrowers' house and even met with the borrowers personally. The aforesaid act clearly shows the malafide of the petitioner. Moreover, fake voter ID and photograph does establish that KYC verification has not been done.

11. It is further contended that Sri Gautam Govind in its investigation report dated 27.08.2018 verified all the loan accounts and submitted separate report for each and every 44 suspicious loan accounts with a clear finding that there is huge

tampering in the Voter ID Cards which have been taken as KYC documents. During investigation, he also visited the Ward along with Mukhiya and Ward Member to meet the borrowers but none of them were found in that locality. The public representative also stated that the borrowers are not of these locality. The recommendation for closure of the account is only made because of the fact that accounts are declared as fake and thus the closure of the account does not mitigate the seriousness of the irregularity. Sanction and disbursement of loan to fake borrowers is a fraudulent act. Therefore, accountability has been fixed against the petitioner. Gautam Govind was also produced as Management witness in departmental proceeding who was cross examined with respect to his report. In the said process, he supported the charges and the contents of the report. The certificate issued by the Mukhiya that all the 44 borrowers are not the resident of Bithauli and their names are not enrolled in the electoral roll has not been disapproved by producing any evidence. Electoral roll was also produced as MEx 4/1 to MEx 4/5.

12. It is further argued that the petitioner also produced three defence witnesses. However, they failed to give the details of borrowers by looking at their photographs and

they have also stated in course of enquiry that they did not know the borrowers with the names and addresses. The petitioner has been given ample opportunity of hearing and all the documents which have been sought for by the petitioner, as is evident from the minutes of the proceedings, copies of which have also been placed on record as Annexure-13 to the writ petition.

13. Mr. Jha learned Advocate for the Bank thus contended that there is no infirmities in the enquiry conducted by the Enquiry Officer and the impugned order of dismissal is proportionate to the charges, which has also been affirmed by the Appellate Authority. Placing reliance upon the case of ***Regional Manager, U.P., SRTC, Etawah & Ors. Vs. Hoti Lal & Anr. [(2003) 3 SCC 605]***, it is submitted that the Bank institution is an institution of hope and trust of public at large and the act of the petitioner was contrary to the banking norms and regulations as well as the guidelines and thus the writ petition lacks any merit. Further, reliance has also been placed on a decision rendered by a Bench decision of this Court in the case of ***Binod Singh Saumitra Vs. Chairman & Managing Director, Allahabad Bank [2018(3) PLJR 543]*** as well as the decision rendered by the Division Bench in the case of ***The State of Bihar & Ors. Vs. Yavitri Devi & Ors. [LPA No. 1358***

of 2017], that the departmental proceeding cannot be faulted on the ground that no witness was examined. The Bank officer who was charged to have sanctioned without adhering to the lending norms, his action amounts to serious misconduct [Vide:***State Bank of India & Ors. Vs. T. J. Paul. (1999) 4 SCC 459.***

14. This Court has anxiously heard the learned Senior Advocate/Advocate for the respective parties at length and also perused the materials available on record, besides went through the decisions referred hereinabove by both the parties. Before coming to the facts of this case, it would be relevant to highlight the scope of judicial review in view of the pronouncements of the Hon'ble Supreme Court rendered time to time.

15. ***In State of Andhra Pradesh Vs. S. Sree Rama Rao [AIR 1963 SC 1723]***, a three-Judge Bench of the Hon'ble Supreme Curt ruled that the High Court is not a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are violated or not. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which

evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a writ petition under Article 226 of the Constitution of India to review the evidence.

16. Similarly, in ***B.C. Chaturvedi v. Union of India [(1995) 6 SCC 749]***, the Court underscored that the power of judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eyes of the court. While exercising the power of judicial review, the Court does not act as an appellate authority to re-appreciate the evidence and to arrive at its own independent findings on the evidence. However, the Court may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence.

17. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant.

Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal ***[Vide: Union of India Vs. H.C. Goel, AIR 1964 SC 364].*** In the aforesaid case, the Hon'ble Supreme Court further clarified that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.

18. In State Bank of ***Bikaner & Jaipur Vs. Nemi Chand Nalwaya [(2011) 4 SCC 584]***, the Court observed that High Court/Tribunal ought not to reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry 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 ground for interfering with the findings in departmental enquiries.

19. It is would also be relevant to refer a judgment rendered in the case of ***Union of India Vs. P. Gunasekaran [(2015) 2 SCC 610],*** where the Court exhaustively laid down the parameters as to when the High Court shall not interfere in the disciplinary proceedings, which parameters would be worth

benefiting to quote hereinunder:

> *"(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."*

20. In the light of the scope and ambit of judicial review, now this Court primarily takes into consideration the facts of the case. There is no dispute that the petitioner was appointed to the post of Junior Management Scale-I Officer in Uttar Bihar Gramin Bank and at the time of alleged misconduct he was serving as Branch Manager, Bithauli Branch and thus the entire action leading to initiation of a departmental proceeding culminated into punishment having been carried out under the Uttar Bihar Gramin Bank (Officers & Employees) Service Regulation, 2010. Chapter IV of the Regulation 2010 which deals with Conduct, Discipline and Appeals. Clause 39(1)(b) deals with Major Penalties and (v) thereof stipulates "dismissal

which shall ordinarily be a disqualification for future employment". However, it is made clear that no order imposing any of the major penalties specified above shall be made except by an order in writing signed by the competent authority; and no such order shall be passed without the charge or charges framed in writing and given to the officer and enquiry held so that he shall have reasonable opportunity to answer the charge or charges and defend himself, in case of the officers of the Bank.

21. Before initiation of departmental proceeding, admittedly a preliminary enquiry was conducted by one Gautam Govind with respect to 44 JLKCC loan accounts and he submitted his report on 27.08.2018. Based upon such report, the reply of the petitioner was sought for and subsequently the matter is placed in a Fraud Declaration Committee in presence of the Regional Manager, Assistant Regional Manager and the then Branch Manager who have finally recommended to take action upon which the petitioner was served with show cause and finally the Bank has taken a decision to initiate a departmental proceeding by serving memorandum of charge sheet containing charges, inter alia, he sanctioned and disbursed loans in the name of fake borrowers, as borrowers were not found residing or exist on the address as mentioned in the loan

accounts and KYC documents. He pasted fake photograph of the borrowers as these photograph does not match with any local person of the village Bithauli i.e address mention in Bank record. He obtained fake KYC documents as EPIC No. mentioned in Voters ID cards belong to different block and application name of borrower did not match with the original EPIC holder name. He did not verify KYC documents. He did not conduct pre and post inspection before sanction and disbursement of loan. Fraudulent act of Sri Verma was also ascertained from the certificate of Mukhiya of Gram Panchayat Bithauli, which confirms that the borrowers, as mentioned in Bank's record, do not belong to Bithauli Village.

22. The charge sheet contains in Annexure-1 and 2, the details of all the loan accounts mentioned besides the imputation. However, this is the admitted position that in the charge sheet there were no list of documents and the witnesses by whom the articles of charges are proposed to be sustained. The Conducting Officer as well as the Presenting Officer were duly appointed by the Bank and upon notice the petitioner entered his appearance and had opted one Sudhir Kumar as a defence representative. The management representative/Presenting Officer produced eight

documents/papers as documentary evidence along with copies of 44 loan documents as per the demand of the petitioner in support of charge levelled against him. It is also relevant to note here that the Management has also produced Gautam Govind as a witness in order to prove the contents of the report dated 27.08.2018. The petitioner along with his defence representative was all along present in the enquiry and; all the documents on which the Bank has placed reliance, have been handed over to the petitioner.

23. Now the question for consideration before this Court is as to whether the charge sheet which does not contain list of documents and witnesses suffers from vice of illegality and on the basis which the enquiry that has been conducted be held unsustainable in law?

24. There is no confrontation with regard to the settled proposition of law that the charges would be proved only on the basis of the documentary and/or oral evidences, unless accepted by the delinquent. In ***Roop Singh Negi*** (supra), the Hon’ble Supreme Court has clearly ruled that mere tendering the documents would not be suffice to prove the charges unless oral evidence is produced to prove the contents thereof. It is well settled that unless the author of the documents is produced as

witness or examined or cross-examined, the charges cannot be said to have been proved and thus at the time of framing of the charge, the disciplinary authority ought to furnish a list of documents and witnesses by whom he proposes to sustain the charges. Recently the Hon'ble Supreme Court in the case of ***Jai Prakash Saini Vs. Managing Director, U.P. Cooperative Federation Ltd. & Ors.*** reported in ***2026 SCC OnLine SC 505*** has held that unless the charged employee accepts his guilt in clear terms, an enquiry on the charges drawn against him would have to be held. In the enquiry, the employer/department would have to take steps first to lead evidence against the workmen / delinquent charged and give an opportunity to him to cross examine those witnesses. Only thereafter, the workmen / delinquent shall be asked whether he wants to lead any evidence and/or submit an explanation about the evidence led against him. Even in a case based solely on documentary evidence, unless the relied upon documents are admitted by the charged employee, a witness would have to be examined to prove those documents and when so examined, the witness would have to be tendered for cross-examination.

25. Now coming to the Regulation, 2010, which governs the disciplinary proceeding of Officers/Employees of

the Uttar Bihar Gramin Bank. Regulation 39 mandates that in case an officer commits a breach of discipline or guilty of misconduct or commits an act detrimental to the interests of the Bank shall be liable for major punishment, including dismissal which shall ordinarily be a disqualification for future employment, provided charge/charges are framed in writing and given to the officer and enquiry be held so that he shall have reasonable opportunity to answer the charge or charges and defend himself. Regulations do not mandate that the memo of charge shall accompany with list of documents/witnesses. It is not the case of the petitioner that the documents on which the Bank management has placed reliance in order to sustain the charges have not been handed over to him, rather copy of the proceedings which have been brought on record clearly suggest that all the documents and even the documents which have been demanded by the petitioner have been handed over to him. Since some of the documents, including the electoral roll of concerned Ward/Panchayat as well as the application forms of the loan accounts, were either public documents and or authenticity of which have not been disputed, hence contents of which are not required to be proved by its author. The Management has also produced Sri Gautam Govind who had submitted his report on 27.08.2018 in order to prove its contents. Thus, the submission of the learned Senior Advocate for the petitioner that the mere absence of the list of documents and witnesses in the charge sheet does not invalidate it or affect the disciplinary proceedings. It would also be useful to refer the judgment of the Hon’ble Supreme Court in the case of ***Tara Chand Vyas Vs. Chairman & Disciplinary Authority & Others; (1997) 4 SCC 565***, where the Court held that if the charges are based on documentary evidence which have been duly supplied to the delinquent and the veracity of which has not been disputed by the charged officer, the finding of guilt cannot be interfered with.

26. Now coming to the enquiry report, it is the admitted position that the proceeding was commenced against the petitioner on 07.06.2019 and concluded on 21.08.2019 in ten sittings. At the inception, the petitioner was allowed to opt Defence Representative and upon his appointment the Presenting Officer produced necessary documentary evidence which were duly marked as management exhibit. The aforesaid documentary evidence also include the report dated 27.08.2018 duly prepared by one Sri Goutam Govind wherein he had disclosed that he analysed each and every account and

submitted separate report in each and every 44 loan accounts, and found there was huge tampering with the Voter ID Card which have been taken as KYC documents. The name mentioned on EPIC taken as KYC was found different from the names mentioned in the original EPIC.

27. The management also produced Sri Goutam Govind as a witness to prove the contents of the report, who was duly examined by the Presenting Officer and cross-examined by the petitioner, in respect of his finding/investigation report. The petitioner has also taken the plea in the writ petition that copies of the prosecution documents were not provided despite calling for the same. However, the same does not find to be correct in view of the findings recorded by the Enquiry Officer as recorded in the minutes of the proceeding dated 26.04.2019, which clearly suggests that all the necessary documents including 44 applications of loan account have been handed over to the petitioner. Moreover it is not specifically disclosed as to which document called for by the petitioner has not been handed over to him and thereby any prejudice has been caused. Such plea of the petitioner appears to be unfounded.

28. In course of enquiry, the petitioner has also produced three defence witnesses namely, Amarnath Jha, Sri

Ramashankar Jha and Sri Santosh Rai, who said that they know the borrowers personally. However, during cross examination when they were asked to give the details of the borrowers by looking at photographs of borrowers, they have shown their inability and deposed that they do not know the borrowers with their names and address. In the aforesaid premise, the contention of the petitioner that the certificate of Mukhiya dated 03.11.2018 confirming that all the 44 borrowers are not the resident of Bithauli and their names are not enrolled in their electoral roll finds relevant even if the Mukhiya of the concerned Panchayat was not examined as the report of the Mukhiya gets corroborated from the electoral roll of Bithauli, which is duly marked as management exhibit 4/1 to management exhibit 4/5; the authenticity of which has never been disputed by the petitioner.

29. Hence, the plea canvassed on behalf of the petitioner that onus of disapproving the charge has been wrongly shifted upon the petitioner, in view of the aforesaid facts, does not persuade this Court. What is required to be looked into is as to whether in a departmental proceeding the delinquent has been afforded fair opportunity and the rules of natural justice are followed. After careful consideration of the

enquiry report, and the minutes of the proceedings, this Court is of the firm opinion that the petitioner has all along been provided proper and adequate opportunity of hearing and at no stage of enquiry he has been deprived of his right to defend his case resulting into any violation of the principles of natural justice.

30. The Enquiry Officer after proper examination of the materials available on record, considering the deposition of witnesses, has returned the finding that the charges levelled against the petitioner stood proved.

31. The explanation of petitioner, on enquiring report, was duly considered by the disciplinary authority before inflicting punishment. The impugned order of punishment reflects that the disciplinary authority has applied his mind to the explanation /second show cause reply of the petitioner and on being found that the finding of the Enquiry Officer is based upon admissible evidence, the order of dismissal came to be passed. Time without number, the Court has observed that if a disciplinary authority accepts the finding recorded by the Enquiry Officer, no details reasons are required to be recorded in the order imposing punishment.

32. Keeping in mind, a Bank Officer is required to

exercise higher standard of honesty and integrity. It would also be apposite to refer the decision rendered in the case of ***State Bank of India & Ors vs. Bela Bagchi & Ors. [(2005) 7 SCC 435]***:

> *"15. A bank officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the bank is required to take all possible steps to protect b 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[3], it is no defence available to say that there was no loss or profit c which resulted in the case, when the officer/employee acted without authority. The very discipline of an organisation 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. That being so, the plea about absence of d loss is also sans substance.”

33. A Co ordinate Bench of this Court in the case of ***Bali Ram Prasad Singh vs. The General Manager (HR) cum Reviewing Authority, Bank of India & Anr. [(2019) 1 BLJ 235 (PHC)]*** in its paragraphs 29 and 30 placing reliance upon the Apex Court decision has ruled that every officer/employee of the Bank is required to exercise higher standard of honesty and integrity, while carrying out his duly. It would be worth benefiting to quote the relevant paragraphs:

“29. In the case of ***Chairman & Managing Director, United Commercial Bank and Others vs. P.C. Kakkar*** *reported in* ***2003 (4) SCC 364****; the Hon'ble Supreme Court held that "a Bank Officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/ employee of the Bank is required to take all possible steps to protect the interest of the Bank and to discharge his duty 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 the*

every officer/employee of the Bank...”

30. In the case of ***Disciplinary Authority-cum- Regional Manager vs. Nikunja Kumari Patnaik*** *(supra) the Hon'ble Apex Court has held that "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 once authority is by itself a breach of discipline and is a misconduct........”*

34. After careful perusal of the enquiry report as well as the impugned order of dismissal, now this Court takes up the plea of the learned Senior Advocate that the order of dismissal is disproportionate to the charges. There is no dispute that the High Court/Tribunal while exercising power of judicial review cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate

authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.

35. Once this Court has come to the conclusion that the order of punishment is based upon the enquiry report which clearly reflects that the petitioner has fraudulently sanctioned and disbursed 44 fake loans with malafide intention to fake borrowers which is an act of institutional corruption, resulting into misappropriation and financial loss to the Bank, eroding public trust and confidence; based upon such finding, the disciplinary authority, after following the procedure adopted and due compliance of the principles of natural justice, imposed the punishment in terms with Regulation 39(2)(b)(vi) of Regulation, 2010, no interference is required. Since the act of the petitioner, besides constituting gross misconduct, it clearly undermine the hope and trust of the public at large. The punishment imposed does not require any reconsideration.

36. This Court also considers it necessary to address the submission advanced on behalf of the petitioner that no loss has been caused to the Bank. The said contention is wholly misconceived and untenable. The record reveals that all 44 loan accounts were directed to be closed, having been declared fake

accounts. Consequently, in such circumstances, no mechanism remained available to the Bank for the recovery of the loan amounts disbursed under the said accounts. Accordingly, the submission that no loss was caused to the Bank is devoid of merit and is liable to be rejected.

37. Lastly, this Court also does not find any error in the appellate order whereby the appellate authority-cum-Chairman, Uttar Bihar Gramin Bank has rejected the appeal of the petitioner by affirming the order of the disciplinary authority.

38. In view thereof, this Court does not find any merit in the writ petition. Accordingly, the same stands dismissed.

39. The parties shall bear their own cost.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	23.07.2026
Transmission Date	N.A.