



2026:CGHC:9200-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 174 of 2026

1 - Chhattisgarh Gramin Bank Through Its Chairman, Head Office, Sunder Nagar, Mahadev Ghat Road, Raipur, (Po And Ps), District - Raipur, Chhattisgarh, Pin Code - 492001. Current Address - Sector 24, Plot No. 47, Village - Tuta, Atal Nagar, Naya Raipur, Dist - Raipur, Chhattisgarh. Pin Code - 492018. (Appellant Bank's Name Altered From Chhattisgarh Rajya Gramin Bank To Chattisgarh Gramin Bank Vide Gazette Notification Dated 24.10.2025 Publied By The Goi).

2 - General Manger (Administrative) Chhattisgarh Gramin Bank, Head Office, Sunder Nagar, Mahadev Ghat Road, Raipur, (Po And Ps), District - Raipur, Chhattisgarh, Pin Code - 492001. Current Address - Sector 24, Plot No. 47, Village - Tuta, Atal Nagar, Naya Raipur, Dist - Raipur, Chhattisgarh. Pin Code – 492018.

3 - The Disciplinary Authority Chhattisgarh Gramin Bank, Head Office, Sunder Nagar, Mahadev Ghat Road, Raipur, (Po And Ps), District - Raipur, Chhattisgarh, Pin Code - 492001. Current Address - Sector 24, Plot No. 47, Village - Tuta, Atal Nagar, Naya Raipur, Dist - Raipur, Chhattisgarh. Pin Code - 492018.

... Appellants

versus

1 - Gopal Prasad Jaiswal (Legal Heirs) 1.1 Sushma Jaiswal (Through Legal Heirs) In Compliance Of Honble Court Order Dated 27/08/2024, Dist - Janjgir-Champa, Chhattisgarh.

1.1 - (A) Sushma Jaiswal Window Of Late Shri Gopal Prasad Jaiswal Aged About 57 Years R/o. Purani Basti, Gopiyapara Akaltara (Po And Ps), Distt - Janjgir-Champa, Chhattisgarh.



1.2 - (B). Anshul Jaiswal S/o Late Shri Gopal Prasad Jaiswal Aged About 32 Years R/o. Purani Basti, Gopiyapara Akaltara (Po And Ps), Distt - Janjgir-Champa, Chhattisgarh.

... Respondents

For Appellants	:	Mr. N. Naha Roy, Advocate
For Respondents	:	Mr. Dinesh Yadav, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

23.02.2026

1. Heard Mr. N. Naha Roy, learned counsel for the appellants as well as Mr. Dinesh Yadav, learned counsel appearing for the respondents on I.A. No.02, which is an application for condonation of delay of 12 days in preferring the appeal.
2. For the grounds assigned in the application (I.A. No.02), the same is allowed. Delay of 12 days in filing the writ appeal is hereby condoned.
3. The present intra Court appeal has been filed against the order dated 11.12.2025 passed by the learned Single Judge in WPS No.1174 of 2023 whereby the writ petition filed by the writ petitioners before the learned Single Judge has been disposed of.
4. Brief facts of the case projected before the learned Single Judge were that
5. Brief facts of the case projected before the learned Single Judge were that the writ petitioner was serving as Branch Manager at the



Thousir Branch of the respondent Bank during the period from 30.07.2008 to 24.05.2010. During the course of his service, he was placed under suspension vide order dated 17.04.2010 pending initiation of departmental proceedings. The writ petitioner remained under suspension for a prolonged period of four years and seven months. During this period, he was paid subsistence allowance at the rate of 50% of his wages, except for the initial three months when he was paid only one-third of his pay and allowances. According to the writ petitioner, there was no delay attributable to him in the conduct or completion of the departmental inquiry and the continued suspension was wholly unjustified.

6. Nearly eleven months after the suspension order, a charge-sheet dated 16.03.2011 was issued to the writ petitioner levelling five charges of misconduct. Charge No.1 pertained to alleged irregularities in sanctioning crop loans to farmers beyond the jurisdiction of the Thousir Branch, acceptance of forged B-1 Khasra documents, failure to conduct pre-sanction surveys, and sanction of loans for both Kharif and Rabi crops simultaneously on inflated valuations. Charge No.2 related to alteration of the date in the B-1 Khasra Panchsala report and recommendation of loans without receipt of requisite documents or proper verification, including failure to obtain no-due certificates. Charge No.3 concerned alleged irregularities in recommendation and sanction of tractor loans. Charge No.4 alleged acceptance of illegal gratification from certain borrowers. Charge No.5 alleged that a loan sanctioned in Account No. KCC 26/35 in the name of one Shri Vasudev Siddar was fake



and based on forged documents, including fabricated photographs and a falsified voter identity card.

7. The writ petitioner denied all the allegations in his written statement of defence. As his reply was found unsatisfactory, the disciplinary authority appointed an Inquiry Officer to conduct a regular departmental inquiry. The Inquiry Officer submitted his report dated 15.07.2014 holding that Charges 1, 2 and 3 were partially proved, Charge 4 was not proved and Charge 5 was proved. The report was supplied to the writ petitioner and he submitted his final defence statement on 30.07.2014. Thereafter, a show cause notice dated 01.09.2014 was issued proposing the punishment of reduction to the lowest stage in the time scale of pay and stoppage of annual increments till retirement.
8. The writ petitioner submitted a detailed reply dated 27.09.2014 contending that the findings were perverse and unsupported by evidence. However, by order dated 14.10.2014, the disciplinary authority imposed the punishment of reduction to the minimum of the basic pay scale along with stoppage of annual increments till retirement. The writ petitioner subsequently retired from service on 29.02.2020. Aggrieved thereby, the writ petitioner preferred an appeal before the Appellate Authority on 13.01.2015, which came to be rejected vide order dated 15.04.2015, affirming the punishment. It was further contended that while passing the said orders, neither the disciplinary authority nor the appellate authority passed any specific order regarding the treatment of the suspension period or the



payment of the difference between the subsistence allowance and full salary for the suspension period, as required under Regulation 48 of the Service Regulations, 2010. In absence of any such order, the writ petitioner claimed entitlement to the differential amount.

9. The writ petitioner submitted a representation dated 07.08.2015 in this regard, which was not decided favourably. Thereafter, he filed WPS No.3679 of 2015 before this Court, which was disposed of on 14.07.2021 directing the respondent authorities to decide the pending representation within forty-five days. Pursuant thereto, the respondent authorities rejected the representation vide order dated 08.09.2021, allegedly in a non-speaking and perfunctory manner. It was further contended that the prolonged suspension of four years and seven months was contrary to the law laid down by the Hon'ble Supreme Court in ***Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291***, wherein it has been held that suspension should not ordinarily extend beyond three months if no charge-sheet is served within that period and that continuation of suspension requires a reasoned order. In the present case, since no charge-sheet was issued within ninety days and no reasoned order was passed for extension of suspension, the action was arbitrary and illegal.
10. The writ petitioner also contended that the punishment order was in violation of Regulation 39.1(b)(i) of the Service Regulations, which permits reduction to a lower stage in the time scale of pay only for a specified period with clear indication as to whether the employee



would earn increments during such period and whether such reduction would have the effect of postponing future increments. The impugned order neither specified the period of reduction nor was there any provision authorising stoppage of increments till retirement. It was urged that the respondents lacked authority to impose such a combined penalty and that the punishment amounted to an unlawful amalgamation of major and minor penalties, contrary to the Service Regulations of the Bank and therefore unsustainable in law.

- 11.** Feeling aggrieved by the inaction and non-compliance on the part of the respondent authorities, the writ petitioner preferred WPS No.1174 of 2023 before this Court, which came to be disposed of by the learned Single Judge vide order dated 11.12.2025, holding that the penalty order dated 14.10.2014, the appellate order dated 15.04.2015 and the order dated 08.09.2021 relating to the treatment of the suspension period were vitiated by illegality and accordingly quashed and set aside the same; and taking note of the fact that the original writ petitioner had expired during the pendency of the proceedings, the learned Single Judge directed the respondents to extend all consequential service and monetary benefits, including proper treatment of the suspension period and payment of all admissible dues, to the legal heirs of late Shri Gopal Prasad Jaiswal in accordance with law within a period of 60 days from the date of receipt of the order.
- 12.** Challenging the aforesaid order dated 11.12.2025 passed by the



learned Single Judge in the writ petition being WPS No.1174 of 2023, the instant appeal has been filed by the appellants.

13. Learned counsel for the appellants submits that the impugned judgment and order passed by the learned Single Bench is wholly irrational, arbitrary and contrary to settled principles governing interference in disciplinary matters under Article 226 of the Constitution of India. It is contended that the deceased employee had failed to demonstrate any perversity, patent illegality or procedural infirmity in the punishment order dated 14.10.2014, the appellate order dated 15.04.2015 or the order dated 08.09.2021, which is a sine qua non for invoking writ jurisdiction. Reliance is placed upon the decision of the Hon'ble Supreme Court in ***State of Rajasthan & Ors. v. Bhupendra Singh, 2024 INSC 592*** to contend that in absence of perversity or violation of statutory provisions, the High Court ought not to substitute its own view in disciplinary matters.
14. It is further submitted that the writ petition itself was not maintainable in view of the principles of res judicata, inasmuch as the deceased employee had earlier challenged the very same orders in WPS No. 3679 of 2015 and did not press the matter to adjudication on merits nor obtained liberty to file a fresh petition. Placing reliance on ***State of U.P. v. Nawab Hussain, (1977) 2 SCC 806*** and ***Chief Administrator and Another v. Dr. Abhaya Charan Mishra, 1999 SCC (L&S) 660***, learned counsel submits that constructive res judicata squarely applies even to writ proceedings and a second



petition seeking substantially the same relief was barred in law.

Learned counsel further contends that the Competent Authority of the appellant Bank acted strictly within the framework of Regulations 39 and 48 of the Regulations of 2013 while directing that the suspension period be treated as “not spent on duty” consequent upon imposition of a major penalty. It is argued that reduction to a lower stage in the time scale of pay may extend even to the lowest stage, and the stipulation of “no pay increment till retirement” clearly specified the duration of reduction up to superannuation. In support of the importance of integrity in banking service, reliance is placed upon ***Deputy General Manager (Appellate Authority) & Ors. v. Ajai Kumar Srivastava, (2021) 2 SCC 612*** to submit that absolute honesty and devotion are indispensable in banking institutions, and the learned Single Bench failed to appreciate these binding principles despite detailed written submissions placed on record.

15. On the other hand, learned counsel appearing for the respondents submits that the learned Single Bench has passed the impugned judgment after due consideration of the entire material available on record and in consonance with the settled principles governing judicial review in service jurisprudence. It is contended that the punishment order as well as the appellate order suffered from patent illegality inasmuch as the duration of reduction in pay was not specifically determined as mandated under Regulation 39(1)(b)(i), and the direction regarding stoppage of increments till retirement amounted to imposition of a penalty unknown to the Regulations. It is further submitted that the continuation of suspension for more



than four years without issuance of charge-sheet within the prescribed period, and in absence of any reasoned order for extension, was clearly arbitrary and contrary to the law laid down by the Hon'ble Supreme Court in **Ajay Kumar Choudhary** (supra).

16. Learned counsel for the respondents further submits that the plea of res judicata is wholly misconceived, as the earlier writ petition was disposed of with a direction to decide the pending representation and there was no adjudication on merits of the punishment order or the treatment of the suspension period. Hence, there was no bar to maintainability of the subsequent writ petition. It is argued that the learned Single Bench rightly exercised its writ jurisdiction upon finding that the competent authority had failed to pass a reasoned order under Regulation 48 regarding treatment of suspension period and that the impugned orders were non-speaking and violative of principles of natural justice, warranting interference to secure the ends of justice.
17. We have heard learned counsel appearing for the parties at length and carefully considered their rival submissions. We have also perused the record of the case, including the impugned order dated 11.12.2025 passed in WPS No.1174 of 2023.
18. After appreciating the submissions of learned counsel for the parties therein as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“9. It is pertinent to reproduce Rule 39(1)(b)(i) and Rule 48(2) of the Chhattisgarh Gramin Bank, Raipur (C.G.) Officers and Employees Service



Regulations, 2010 (hereinafter referred to as the “Regulations of 2010”) for ready reference:-

“39. Penalties - Without prejudice to the foregoing regulations of this Chapter, an officer or employee who commits a breach of these regulations or who displays negligence, inefficiency or indolence or who commits acts detrimental to the interests of the Bank or in conflict with its instructions, or who commits a breach of discipline or is guilty of any other acts of misconduct, shall be liable for any one or more penalties as follows, namely, -

(1) xxxxx

(b) Major Penalties:-

(i) save as provided in item (v) of clause (a) of sub-regulation

(1) of regulation 39, reduction to a lower stage in time scale of pay for a specified period with further directions as to whether or not the officer shall earn increments of pay during the period of such reduction and whether on expiry of such period the reduction shall or shall not have the effect of postponing the future increments of his pay;

48. Treatment of suspension period and allied matters -

(1) xxxxx

(2) The period during which an officer or employee is under suspension shall, if he is not removed or dismissed from the service, be treated as period spent on duty or otherwise as the Competent Authority may direct.

10. From the aforesaid regulation it transpires that the Bank to impose major penalties on an officer or employee for misconduct, including reduction to a lower pay stage for a specified period, with conditions regarding future increments and Rule 48(2) provides that the period of suspension will be treated as duty or otherwise, depending on the decision of the competent authority, if the employee is not ultimately removed or dismissed.

11. A plain reading of Regulation 39(1)(b)(i) reveals that specification of the period of reduction in pay is a mandatory requirement. The impugned



punishment order does not prescribe any such period. It also fails to clarify whether increments are to be earned during such period or whether the reduction shall have the effect of postponing future increments. The order further imposes “stoppage of increments till retirement” without authority under Regulation 39, which does not contemplate such a penalty. Combining reduction in pay and indefinite stoppage of increments amounts to an impermissible merger of major and minor penalties, rendering the order ultra vires the Regulations of 2010. With respect to Regulation 48(2), once the employee is neither removed nor dismissed, the Competent Authority is required to make a reasoned decision on whether the suspension period is to be treated as duty. No such order exists. The representation was rejected without reasons, making the decision arbitrary. Thus, both the punishment order and the order concerning the suspension period are contrary to statutory regulations, arbitrary and unsustainable in law. The plea of res judicata is untenable, as the earlier writ petition concerned only direction for deciding the representation and no adjudication on merits took place.

12. In view of the foregoing analysis, this Court is of the considered opinion that the penalty order dated 14.10.2014, the appellate order dated 15.04.2015, and the order dated 08.09.2021 relating to treatment of the suspension period are vitiated by illegality and are accordingly quashed and set aside. As the original petitioner expired during the pendency of the proceedings, the respondents are directed to extend all consequential service and monetary benefits, including proper treatment of the suspension period and payment of all admissible dues, to the legal heirs of late Shri Gopal Prasad Jaiswal in accordance with law. The aforesaid exercise shall be completed within 60 days from the date of receipt of this order.

13. With these directions, the writ petition stands disposed of. There shall be no order as to costs.”

19. Having given our thoughtful consideration to the rival submissions



advanced by learned counsel for the parties and upon perusal of the material available on record, we are of the considered opinion that the learned Single Judge has rightly appreciated the scope and ambit of Regulations 39(1)(b)(i) and 48(2) of the Regulations of 2010 and has interfered only upon finding patent statutory non-compliance. The punishment order dated 14.10.2014 admittedly does not specify the period of reduction to a lower stage in the time scale of pay nor does it clearly stipulate the manner in which increments were to operate during or after such period, as mandatorily required under Regulation 39(1)(b)(i). Further, the direction of “stoppage of increments till retirement” travels beyond the contours of the Regulation and is not traceable to any specific enabling provision. Likewise, no reasoned order was passed by the Competent Authority under Regulation 48(2) determining the manner in which the suspension period was to be treated, thereby vitiating the decision-making process.

- 20.** Insofar as the plea of res judicata is concerned, we find no error in the view taken by the learned Single Judge that the earlier writ petition was disposed of with a limited direction to decide the representation and did not involve adjudication on merits of the punishment order or the treatment of suspension period. The scope of judicial review exercised by the learned Single Judge was confined to examining the legality and statutory compliance of the impugned orders and does not amount to re-appreciation of evidence in the disciplinary proceedings. We do not find any perversity, infirmity or jurisdictional error in the impugned judgment



warranting interference in this intra-Court appeal.

- 21.** Accordingly, the writ appeal being devoid of merit is hereby dismissed. The order dated 11.12.2025 passed by the learned Single Judge in WPS No.1174 of 2023 is affirmed. The appellants shall comply with the directions issued therein within the stipulated period, if not already complied with. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice