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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 988/2024**

RAM BABU MAHTO

..... Petitioner

Through: Mr. Divyanshu Sahay, Ms. Shradha Narayan, Mr. Akshay Sahay and Mr. Samarth Srivastava, Advocates.

versus

BANK OF INDIA & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

23.01.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 4109/2024 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 988/2024 & CM APPL. 4108/2024 (for interim direction)

3. This is a petition filed under Article 226 of the Constitution of India, 1950, *inter alia*, seeking the following reliefs :-

“(i) Declare that the punishment of reduction of grade or post to “lowest grade or post”, that is, from Senior Management Grade – IV to Junior Management Grade – I and corresponding reduction of pay is ultra vires Regulation 4(g) of the Bank of India Officer Employees’ (Discipline and Appeal) Regulations, 1976;

(ii) Declare that the initiation and conduct of disciplinary proceedings against the Petitioner is vitiated by bias, mala fides, malice, gross procedural irregularities, violations of principles of natural justice, gross violations of Regulations 6 and 7 and 8, 17 and 18 of the Bank of



India Officer Employees' (Discipline and Appeal) Regulations, 1976 and manifest arbitrariness, and hence the Petitioner is entitled to damages from the Respondents;

(iii) Issue appropriate writ, order and / or direction quashing the impugned Order of Penalty Ref. No. NBG-G:DA:887, dt. 21.01.2022 passed by Resp. No. 3 (as contained in Annexure P-1), Order Ref No. PRR:AA:100, dt. 27.06.2022 passed by the Appellate Authority / Resp. No. 4 (as contained in Annexure P-2), Review Order Ref. No. RK/RA/63, dt. 20.07.2023 passed by Resp. No. 6 (as contained in Annexure P-3) and all consequential orders and proceedings taken thereupon by the Respondents;

(iv) Issue writ, order and/or direction in the nature of mandamus to the Respondents to reinstate the Petitioner to the grade of Senior Management Grade – IV with the corresponding pay and allowances as were admissible to him on the said post of Chief Manager and consequentially direct the Respondents to revise his pensionary benefits, etc. accordingly and further direct the Respondents to pay the arrears thereof accordingly with due interest.”

4. Issue Notice.
5. Notice be served upon all the respondents by all permissible modes, upon the petitioner taking appropriate steps within one week.
6. Counter affidavit be filed within four weeks from today. Rejoinder thereto, if any, be filed within four weeks thereafter.
7. List the matter before the Registrar on 25.04.2024 for completion of pleadings.

TUSHAR RAO GEDELA, J

JANUARY 23, 2024/nd