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

+ **W.P.(C) 4775/2017 & CM APPL. 20708/2017**

RAJBIR PHOGAT

.....Petitioner

Through: Mr. Viraj R Datar, Senior
Advocate with Mr. Nitish
Chaudhary, Mr. Saurav Joon &
Mr. Srikant Singh, Advocates.

versus

DENA BANK

.....Respondent

Through: Mr. Arun Aggarwal, Mr. Lovekesh
Kukreja & Mr. Vikram Choudhary,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.09.2025**

1. By way of this writ petition, the petitioner assails an order dated 30.12.2015, by which the disciplinary authority of the respondent-Dena Bank [“the Bank”] has imposed the punishment of “*dismissal from service*” upon him, as well as an order dated 21.03.2017, by which his appeal against the dismissal was rejected.
2. It is recorded in an order dated 14.02.2023 that the petitioner’s challenge was limited to the proportionality of the punishment awarded to him.
3. The impugned disciplinary proceedings were admittedly initiated by a chargesheet dated 15.11.2014, which related to transactions between the Bank and an entity by the name of HRM Exports Private Limited.



However, during the course of hearing, Mr. Viraj R Datar, learned Senior Counsel for the petitioner, referred to the following submissions in the written submissions filed by the petitioner on 02.08.2019:

(a) That the disciplinary authority had originally recommended reduction in pay by one stage with cumulative effect against the petitioner. In support of this submission, Mr. Datar drew my attention to a document disclosed to the petitioner under the Right To Information Act, 2005, on 11.05.2016, which has been annexed to the writ petition [at page No. 297]. The said document, however, refers to a different chargesheet dated 05.07.2014, and is evidently irrelevant to the present case.

(b) In paragraph 2[xv] of the written submissions, the petitioner has alleged that eight persons, including, four who were senior to him and three who were junior to him, were chargesheeted with regard to the transactions involving the same customer but each of them, other than the petitioner, have been visited with a far lesser penalty of reduction in basic pay by one stage/two stages.

4. As these contentions do not find place in the writ petition, Mr. Datar seeks permission to place on record an additional affidavit dated 09.09.2025, affirmed by the petitioner. The affidavit is handed up in Court, and is taken on record, in the interest of justice.

5. The Bank is directed to file an affidavit in response by 06.10.2025, specifically dealing with these allegations. In particular, the Bank will state whether there was any prior decision of the disciplinary authority with regard to the quantum of punishment to be imposed upon the petitioner in respect of the proceedings arising from chargesheet dated



15.11.2024, and if so, the circumstances in which that decision was reconsidered. It will also state whether any other employees were charged in respect of the same transactions and if so, the inquiry reports and penalty orders in respect of those employees also be placed on record, so that the Court can examine the petitioner's claim of parity.

6. List on 09.10.2025, in the category of "*Old/Targeted cases*".

PRATEEK JALAN, J

SEPTEMBER 9, 2025

'JK'/pv'/AD/