

GAHC010131562025



2026:GAU-AS:7821

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/126/2026

THE UCO BANK AND 2 ORS.
HAVING ITS HEAD OFFICE AT 10 B T M SARANI, KOLKATA, WEST
BENGAL-700001.

2: THE GENERAL MANAGER AND APPELLATE AUTHORITY PERSONNEL
SERVICES DEPTT.

UCO BANK
10 B T M SARANI
KOLKATA
WEST BENGAL 700001

3: THE ZONAL MANAGER AND DISCIPLINARY AUTHORITY

UCO BANK
ZONAL OFFICE M.D .ROAD
SILPUKHURI
GUWAHATI
ASSAM 78100

VERSUS

KANDARPA KUMAR KALITA AND ANR.
SON OF LATE GIRISH CHANDRA KALITA, RESIDENT OF HOUSE NO. 41,
FATASIL, GANESHPARA, BATHOU MANDIR PATH, P.O- DHIRENPARA, PS-
FATASIL AMBARI, KAMRUP (M), GUWAHATI, ASSAM-781025.

2:SHRI PARAMANADA PAUL
ASSISTANT GENERAL MANAGER (RETIRED) AND ENQUIRY OFFICER
UCO BANK
ADDRESS- ZONAL OFFICE
M.D. ROAD
SILPUKHURI
GUWAHATI
ASSAM-781003

For the appellants : Mr. M. Sharma, Advocate

For the respondents : Mr. T. Deuri, Advocate
Mr. U. Bharadwaj, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

05-06-2026

(Ashutosh Kumar, C.J.)

We have heard Mr. M. Sharma, learned Advocate for the appellants/the UCO Bank and others and Mr. T. Deuri, learned Advocate for the respondent No.1.

A disciplinary action was taken by the appellants against the respondent No.1 on the charge of he having committed serious irregularities in discharging his duties. The respondent No.1 was found guilty of four charges relating to failure in protecting the bank's interest; acting in a manner unbecoming of a bank officer and not exercising the best judgment along with failure to supervise the staff under his control. It was canvassed that these are in utter violation of the UCO Bank Officer Employees (Conduct) Regulations, 1976. After the enquiry, the disciplinary authority dismissed the respondent No.1 from service on 10.01.2018. His appeal against the dismissal was also rejected. Thereafter, the writ petition [WP(C) 5574/2018] was filed before this Court. The

learned Single Judge vide order dated 24.09.2024 partly allowed the writ petition, set aside the order of dismissal and directed reinstatement of the respondent No.1 with a liberty to the appellant/Bank to proceed afresh from the stage of issuing the second show-cause notice, if so advised, but by a different disciplinary authority. The Court denied back wages but granted notional benefits, including seniority in the appropriate scale of pay to the respondent No.1.

The present appeal has been filed challenging the judgment on the ground that the second show-cause notice issued to the respondent No.1 was in the nature of a tentative opinion on which the respondent was asked to respond, which did not reflect that the issue was pre-judged by the disciplinary authority.

Mr. Sharma, learned Advocate for the appellants/ Bank has very vehemently submitted that the disciplinary authority cannot issue a second show-cause notice in a vacuum. In all its perspective, a *prima facie* tentative view is always formed before issuing such notice to the proceedee.

However, on perusal of the impugned judgment and the facts of the case, it appears to us that the second show-cause notice was not tentative as it contained the expression that the disciplinary authority "concurred" with the findings of the enquiry officer. In such a case, the learned Single Judge was justified in holding that the entire process would be rendered meaningless.

We deem it necessary here to state that the test is not mere use of the word "tentative" but the substance of the notice. The scheme

contemplates of an opportunity to a proceedee to contest not only the correctness of the findings as also to the quantum of the punishment.

The notice to the respondent No.1 also appears to be faulty, inasmuch as no reason has been assigned for the disciplinary authority coming to a purportedly tentative agreement with the enquiry report.

In this background, the use of the word "concur" is a projection of a conclusive finding by the disciplinary authority which is not permissible.

It would be profitable here to refer to the decision in **Babulal Das vs. State of Assam and others, 2004 SCC Online Gau 182**, wherein it has categorically been held that if the notice gives an impression that the disciplinary authority has made up its mind and is in agreement with the finding of the enquiry officer for imposing penalty, such notice would be an empty formality. There is a purpose behind affording opportunity of making a representation against the enquiry report which cannot be treated lightly.

There is enough justification for the respondent No.1 to raise an objection that the disciplinary authority had already decided the issue and therefore, it would serve no purpose in representing against such a finding.

We too approve of the decision of the learned Single Judge in setting aside the punishment of the respondent No.1 and his reinstatement and to direct for such second show-cause notice, if deemed to be necessary, by another person than the disciplinary authority, which had issued such a notice in the past, for the purpose of precluding any bias in the matter.

We order accordingly.

Mr. Sharma, learned Advocate for the appellants/bank submits that now the respondent has attained the age of superannuation, therefore, there would not be any occasion to reinstate him in service.

True it is, the respondent No.1 cannot be reinstated in service, but we direct for giving him all notional benefits in compliance of the judgment passed by the learned Single Judge.

The writ appeal stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant