GAHC010210472025

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

**Case No. : WA/382/2025**

SUNIL KUMAR MISRA
S/O LATE BHABANI CHARAN MISRA, R/O HOUSE NO. 7, KANAKLATA PATH, RUKMINIGAON, GUWAHATI 781002, KAMRUP (M), ASSAM.

VERSUS

1.THE STATE BANK OF INDIA
REPRESENTED BY THE CHAIRMAN, SBI, CORPORATE CENTRE, STATE BANK OF INDIA, STATE BANK BHAWAN, MADAME CAME ROAD, NARIMAN POINT, MUMBAI 400021

2:THE CHIEF GENRAL MANAGER AND APPELLATE AUTHORITY
STATE BANK OF INDIA LOCAL HEAD OFFICE G.S. ROAD GUWAHATI 781006

3:THE GENERAL MANAGER (NW-I) AND APPOINTING AUTHORITY
STATE BANK OF INDIA LOCAL HEAD OFFICE
DISPUR GUWAHATI 781006

4:THE DEPUTY GENERAL MANAGER (B AND O) AND DISCIPLINARY AUTHORITY STATE BANK OF INDIA ADMINISTRAVIT OFFICE
LOCAL HEAD OFFICE G.S. ROAD GUWAHATI 781005

5:THE DEPUTY GENERAL MANAGER AND CIRCLE DEVELOPMENT OFFICER LOCAL HEAD OFFICE G.S. ROAD GUWAHATI 781006

6:THE REGIONAL MANAGER
STATE BANK OF INDIA RBO REGION (IV)
GUWAHATI RURAL ANIMA BORAH COMPLEX
P.O. AMIN GAON DIST. KAMRUP (R) ASSAM 78103

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| For the Appellant(s) | : | Ms. G. Goswami, Advocate. |
| | : | Mr. R.J. Das, Advocate. |
| For the Respondent(s) | : | Mr. H. Buragohain, Advocate for State Bank of India. |

**–B E F O R E –**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR**

**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**19.03.2026**

***(Ashutosh Kumar, CJ)***

We have heard Ms. G. Goswami, assisted by Mr. R.J. Das, learned Advocate for the appellant and Mr. H. Buragohain, learned Advocate for the respondents/State Bank of India.

The appellant has questioned the judgment dated 14.08.2025 passed by a learned Single Judge of this Court in WP(C) No.3886/2020, whereby the learned Single Judge has not interfered with the punishment of dismissal from service imposed upon the appellant.

The records reveal that the appellant was suspended and faced a single overarching charge under Rule 68(2)(ii) of the State Bank of India Officers' Service Rules, 1992, relating to the alleged irregularities in handling loans, particularly Kisan Credit Card (KCC) loans and Agricultural Unsecured Credit Account (AUCA) recoveries. This charge was broken down into 16 specific allegations, which the Bank pitted against the appellant as stand-alone proof of misconduct.

The allegations centered on negligence, dishonesty and exposing the Bank to a financial loss of approximately 205 lakhs.

The contention of the appellant is that the disciplinary proceedings were unfair to him, driven by external pressures and that he was made the scapegoat for his being the *low man on the totem pole* in the entire system.

It has been argued that the documents would reveal that the appellant was chosen to be made and look responsible for the systemic lapses when two other higher authorities of the Bank were also found to be, if not equally, but in a large measure, responsible for such loans having gone bad.

After it was found in the inquiry that 11 allegations were proved against the appellant; 2 only were partially proved and 3 were not proved, the appellant was saddled with the most severest of the penalties of dismissal from service on 29.11.2019, forfeiting his gratuity and treating his suspension period as "not on duty".

The departmental appeal preferred by the appellant was rejected.

The major ground raised in this appeal is of institutional bias in a public sector bank, where the appellant, as a low functionary, was singled out for punishment despite shared responsibilities in loan proceedings.

The incidents involved rapid sanctioning of numerous KCC loans; some of which were found to be irregular, leading to recoveries which were ultimately found by the Bank to be improper.

The further contention on behalf of the appellant is that the learned Single Judge did not consider appropriately the facts of the case regarding the principles of parity and non-discrimination when the papers clearly revealed identical or similar charges against senior officers. They were let off with major punishment but of only reduction in the scale of pay.

The distinction sought to be made by the respondent/Bank and what weighed with the learned Single Judge is not rational and in any case, any arbitrary differentiation is unconstitutional.

The core argument on behalf of the appellant, therefore, is that the so-called allegation against him, which, according to the learned Single Judge is unique, remains unrelated to the loss, leaving no justification for harsher treatment than other co-delinquents.

The inquiry findings also are stated to be unreasoned and non-evidence based.

The appellant alleges *mala fides*, pre-determination of guilt and submits that there is no proportionality of the penalty imposed upon him *vis-a-vis* the guilt.

The appeal is admitted for hearing.

List this case for hearing on 11.06.2026.

**JUDGE** **CHIEF JUSTICE**

**Comparing Assistant**