

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P. (S) No. 4567 of 2017**

Ranjan Chandra, aged about 53 years, Son of Shri Dualal Chand Chandra, resident of Qtr. No. B-841/II, H.E.C. Colony, Dhurwa, P.O.-Dhurwa, P.S.-Jagarnathpur, District Ranchi, Jharkhand.

....Petitioner

Versus

1. The Bank of India through General Manager, Head Office, Human Resource Department, Bandra, Kurla, Complex Star House, C-5, "G Block, P.O. & P.S. Bandra, East Mumbai-400051, Maharashtra.
2. The General Manager, Bank of India, Head Office, Human Resource Department, Bandra, Kurla, Complex Star House, C-5, "G Block, P.O. & P.S. Bandra, East Mumbai-400051, Maharashtra.
3. The Zonal Manager, Bank of India, Ranchi Zone, Pradhan Towers, 2nd Floor, Main Road (South), P.O., G.P.O. & P.S. Chutia, District-Ranchi-834001.
4. The Assistant General Manager and Dy. General Manager, Bank of India, Ranchi Zone, Pradhan Towers, 2nd Floor, Main Road (South), P.O., G.P.O. & P.S. Chutia, District-Ranchi-834001.

....Respondents**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Mr. V.P. Singh, Sr. Advocate
Mr. Ashok Kr. Pandey, Advocate
For the Respondents : Mr. Rajesh Kumar, Advocate

C.A.V. ON: 04.11.2025**PRONOUNCED ON: 19/01/2026**

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioner praying therein for following reliefs:

- i. *For quashing of the penalty order dated 26.08.2016 passed by the Respondent No. 4 whereby and where under the Respondent No. 4 in exercise of power as disciplinary authority held out the petitioner guilty of the charges in the departmental proceeding and inflicted major penalty of dismissal.*
- ii. *For quashing of the order dated 20.10.2016 passed by the Respondent No. 3 whereby the Respondent No. 3 dismissed the appeal preferred by the appellant against the order of penalty order dated 26.08.2016 and confirmed the order of penalty of dismissal.*
- iii. *For quashing of order dated 14.09.2017 passed by the Respondent No. 2 whereby and where under the respondent no. 2 disposed of the review petition dated 31.01.2017 of petitioner and confirmed the order passed by respondent no.3 in appeal preferred*

- by the petitioner before appellate authority.*
- iv. For appropriate declarations that (i) the departmental proceeding against the petitioner was conducted in most unfair and prejudicial manner and as such the entire departmental proceeding is vitiated for non-compliance of principles of natural justice and fair play; (ii) the inquiry report is based on conjecture, surmises and the inquiry officer instead of submitting fact finding report based on scrutiny of evidence simply jumped on the conclusion. The inquiry report is more in the nature of opinion than report and as such the finding of the Inquiry authority is unsustainable; (iii) the unblemished service of the petitioner was totally ignored by the disciplinary authority, appellate authority as well as the reviewing authority while inflicting penalty, confirming the same and upholding the punishment in review in complete disregard to the law laid down by the apex court in B.E. Chaturvedi Case 1995 (VI) SCC page 749 and reiterated time and again including in P. Gunasekaran Vs. Union of India reported in 2015 (II) SCC page 610; (iv) the finding of guilt in the absence of any documentary or oral evidence is perverse and as such unsustainable.*
 - v. For a direction to the Respondents to reinstate the petitioner with all consequential benefits.*
 - vi. For any other relief or consequential reliefs to which the petitioners may be found entitled to in the facts and circumstances of this case.*

3. The brief facts of the case as appears from the writ application are that the petitioner joined the service in the Bank of India on 01.03.1989 as Clerk-cum-Typist, thereafter he was granted several promotions and finally he was promoted to the post of MMG-II on 22.10.2009. Subsequently, the petitioner was transferred from Harmu Branch to Jaldega Branch on 28.05.2012. On 16.12.2014, a memorandum seeking explanation was issued to the petitioner regarding poor deposits in loan account to which the petitioner duly replied. Dissatisfied with the reply, on 15.10.2015, the Disciplinary Authority issued article of charges to which the petitioner submitted his written statement on 27.10.2015 and thereafter, a disciplinary

proceeding was initiated against him on 03.02.2016. Subsequently, a second show cause was issued to the petitioner by the disciplinary authority to which the petitioner duly replied and dissatisfied with the reply, the penalty of dismissal was imposed by order dated 26.08.2016 without considering the reply of the petitioner. Aggrieved by this, the petitioner preferred appeal against the dismissal order which was mechanically rejected by order dated 20.10.2016 against which he preferred a review which was disposed of affirming the order of appellate authority. Hence, the present writ application.

4. Learned Counsel for the petitioner submitted that the petitioner discharged his duty with full sincerity and devotion. The date on which he was relieved from his duty and transferred, there was no financial loss and the bank was not having any NPA. He further submitted that the petitioner in his reply to the show cause stated that all the details of the borrowers were mentioned in the due diligence column and the loans were sanctioned after completing the due diligence process. Further, the cash withdrawals were allowed as per the prevalent norms and the account became NPA not because of his fault, but due to poor follow up by his successors. However, the disciplinary authority has not

considered his reply and imposed a major penalty which is not according to the law. He further submitted that there is no allegation of embezzlement of public money against the petitioner as he has not sanctioned any loan above the set limit and the only allegation is with regard to dereliction of duty, for which, punishment from dismissal of service is disproportionate and unduly harsh; as such, the order of dismissal is liable to be quashed and set aside.

5. Learned counsel for the respondents relying upon the counter affidavit submitted that the decision regarding sanctioning of loan is required to be taken not only as per the discretion of the Manager, but also as per the rules guiding advances, proper inspection and consultation when required and the petitioner has failed to follow the norms and guidelines of the banking system and seriously jeopardised the interest of the Bank. He further submitted that the punishment has been imposed after going through the records, evidences and written statement following the principles of natural justice; as such, the order of disciplinary authority suffers from no irregularity. He further submitted that putting the blame on the next succeeding manager is not the right way to defend oneself as the Manager of Branch is very much aware of the ground realities while sanctioning

loans. Therefore, it was the responsibility/duty of the petitioner to monitor the sanctioning of loans which he neglected.

6. Having heard learned counsel for the parties and after going through the documents available on record, it appears that the main grievance of the petitioner is that his explanation has not been considered and the punishment of dismissal is unduly harsh and disproportionate. It further appears that the petitioner was working as a Bank Manager in Bank of India, Harmu Branch from where he was transferred to Jaldega Branch on the same post on 28.05.2012 and after a period of more than two years, a show cause/memorandum was issued to him regarding poor deposit in loan account in Harmu Branch and subsequently, a charge sheet was issued by the disciplinary authority and a departmental proceeding was initiated against him. During the departmental proceeding, three management witnesses were examined i.e., Mr. Prabhat Kumar Suman (immediate successor of the petitioner), Mr. Pradip Kumar Ravi and Mr. Tauseef Ahmad to substantiate the allegations levelled against the petitioner, however, none of the witnesses have uttered a single word against the petitioner.

7. It further appears that to prove the charges, the Inquiry Officer has only relied upon several documents marked as ME-1 to ME-10 and on a minute appraisal of the Inquiry Report, it is evident that other than referring to the documents marked as ME-1 to ME-10 constituting the basis of the inquiry, the Inquiry Officer failed to record the evidence of even a single witness in order to establish the charges against the petitioner which is not acceptable to this Court. The Hon'ble Apex Court in **Roop Singh Negi v. Punjab National Bank**¹ has categorically held that mere production of documents is not enough and contents of documentary evidence have to be proved by examining witnesses. For brevity, the relevant paragraph is quoted hereinbelow:

“14. Indisputably, a departmental proceeding is a quasi-judicial proceeding. The enquiry officer performs a quasi-judicial function. The charges levelled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the investigating officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by the enquiry officer on the FIR which could not have been treated as evidence.”

Emphasis Supplied

8. Same view was reiterated in **State of Uttar Pradesh v. Saroj Kumar Sinha**², wherein the Hon'ble Apex Court has held that even in an ex-parte inquiry, it is the

¹ (2009) 2 SCC 570

² (2010) 2 SCC 772

duty of the Inquiry Officer to examine the evidence presented by the Department to find out whether the unrebutted evidence is sufficient to hold that the charges are proved. The relevant observations made in **Saroj Kumar Sinha** (*supra*) are as follows:—

“28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department / disciplinary authority / Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether the unrebutted evidence is sufficient to hold that the charges are proved. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.

....

33. As noticed earlier in the present case not only the respondent has been denied access to documents sought to be relied upon against him, but he has been condemned unheard as the inquiry officer failed to fix any date for conduct of the enquiry. In other words, not a single witness has been examined in support of the charges levelled against the respondent. The High Court, therefore, has rightly observed that the entire proceedings are vitiated having been conducted in complete violation of the principles of natural justice and total disregard of fair play. The respondent never had any opportunity at any stage of the proceedings to offer an explanation against the allegations made in the charge-sheet. *Emphasis Supplied*

9. Recently, Hon’ble Apex Court in the case of **Satyendra Singh v. State of Uttar Pradesh and Another**³ has reiterated the same. The relevant paragraph is quoted hereinbelow:-

“17. Thus, even in an ex-parte inquiry, it is sine qua non to record the evidence of the witnesses for proving the charges. Having tested the facts of the case at hand on the touchstone of the Rules of 1999, and the law as expounded by this Court in the cases of Roop Singh Negi¹⁵ and Nirmala J. Jhala¹⁶, we are of the firm view that the inquiry proceedings conducted against the appellant pertaining to charges punishable with major penalty, were totally vitiated and non-est in the eyes of law since no oral evidence

³2024 SCC OnLine SC 3325

whatsoever was recorded by the department in support of the charges.”

10. It further appears that the charge sheet has been issued by Assistant General Manager, Ranchi Zone under Regulation 8 of the Bank of India Officer Employees (Discipline and Appeal) Regulations, 1976, who was an incompetent authority as regulation 5 categorically provides that the Managing Director or any other authority empowered by him by general or special order may institute or direct the Disciplinary Authority to institute disciplinary proceedings against an officer employee of the Bank and the respondents have failed to bring on record a single chit of paper to show that the Assistant General Manager, Ranchi Zone was authorised in any manner to institute any disciplinary proceeding against the present petitioner, leave alone imposing a major penalty of dismissal from service.

11. It further appears that an asset becomes non-performing when it ceases to generate interest for the bank and in regard to loan it becomes NPA where interest and/or instalment of principal remain overdue for a period of more than 90 days in respect of a term loan. The petitioner was relieved from Harmu Branch on 28.05.2012 and it took the respondent authorities more than two years to issue show cause to the petitioner in regard to the loan sanctioned by

him while he was posted at Harmu Branch. Such delay in issuing show cause has not been properly explained. Further MW-1, the succeeding branch manager in his cross examination has categorically stated that he has not reviewed all eligible C/C accounts which were sanctioned by the petitioner; as such, the possibility of loans becoming NPA due to the fault of succeeding managers cannot be ignored.

12. Even otherwise, there is no allegation of any embezzlement against the petitioner and the only allegation which is against the petitioner is with regard to dereliction of his duty. The punishment of dismissal is the maximum punishment which can be awarded only in case of grave misconduct and this Court is of the opinion that the punishment of dismissal is not commensurate with the misconduct of the petitioner. The Hon'ble Apex Court in **S.R. Tewari v. Union of India**⁴ has categorically held that if the punishment awarded is disproportionate to the gravity of the misconduct, it would be arbitrary, and thus, would violate the mandate of Article 14 of the Constitution. The relevant paragraph is quoted herein below:

“24. The question of interference on the quantum of punishment has been considered by this Court in a catena of judgments and it was held that if the punishment awarded is disproportionate to the gravity of the misconduct, it would be arbitrary, and thus, would violate the mandate of Article 14

⁴(2013) 6 SCC 602

of the Constitution. In Ranjit Thakur v. Union of India [Ranjit Thakur v. Union of India, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] , this Court observed as under : (SCC pp. 620-21, paras 25 & 27)

“25. But the sentence has to suit the offence and the offender. It should not be vindictive or unduly harsh. It should not be so disproportionate to the offence as to shock the conscience and amount in itself to conclusive evidence of bias. The doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the court martial, if the decision of the court even as to sentence is an outrageous defiance of logic, then the sentence would not be immune from correction.

*27. In the present case the punishment is so strikingly disproportionate as to call for and justify interference. It cannot be allowed to remain uncorrected in judicial review.”
(emphasis supplied)”*

13. Having regard to the above discussion the instant writ petition stands allowed and orders dated 26.08.2016, 20.10.2016 and 14.09.2017 are hereby quashed and set aside. Since the petitioner has already attained the age of superannuation as it appears from the cause title; as such, petitioner cannot be reinstated in service; as such, the respondent authorities are directed to pay all the consequential benefits to the petitioner including pensionary benefits treating his dismissal as compulsory retirement.

14. Accordingly, the instant writ application stands allowed. Pending I.A., if any, also stands closed.

(Deepak Roshan, J.)

19th January, 2026

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