



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 38202 of 2021

In the matter of an application under Articles 226 & 227 of the
Constitution of India.

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Narayan Sahoo

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Petitioner

-versus-

**Dy. GM, Disciplinary Authority,
Indian Overseas Bank, Kolkata &
Ors.**

....

Opposite Parties

For Petitioner : Mr. Nityabrata Behuria, Advocate
on behalf of
Mr. Nityananda Behuria, Advocate

For Opp. Parties : Mr. A. Mohanty, Advocate

PRESENT:

THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 08.12.2025 & Date of Judgment: 08.12.2025

Biraja Prasanna Satapathy, J.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.



3. The present writ petition has been filed inter alia challenging order dtd.10.06.2020 so passed by Opp. Party No. 2 under Annexure-8 and further confirmed by the appellate authority-Opp. Party No. 3 vide order dtd.24.09.2021 under Annexure-10.

4. It is contended that basing on a complaint made by one Jiba Jyoti Mahila SHG, Sampada that some deposits made by them in their loan account has not been credited on 16.07.2018 under Annexure-1, a F.I.R. was lodged against the Petitioner who was working a Cashier in the Branch, giving rise to Nuagaon P.S. Case No. 66/2018 dtd.10.10.2018 under Annexure-2. Simultaneously, Petitioner was also proceeded on similar charges vide charge sheet dtd.26.07.2019 under Annexure-4.

4.1. Learned counsel appearing for the Petitioner contended that Petitioner in the departmental proceeding filed his reply under Annexure-6. But by the time the reply was made by the Petitioner under Annexure-6, complaint made by the SHG group basing on which letter under Annexure-1 was issued on 16.07.2018, was withdrawn vide letter issued by the self-same SHG under Annexure-5 series. It is also contended that in the criminal proceeding so initiated, the I.O. filed the final form under Annexure-7 inter alia with the



finding that there is no sufficient evidence against the Petitioner to proceed further. It is accordingly contended that the criminal proceeding in view of the nature of final form submitted was treated as dropped.

4.2. It is contended that even though the criminal proceeding so initiated against the Petitioner on self-same charges was dropped because of insufficient evidence and taking into account the final form submitted under Annexure-7, but on the face of the withdrawal of the complaint made by the SHG under Annexure-5 series, the departmental authority-opp. Party No. 2 proceeded in the proceeding and imposed the punishment of dismissal vide order dtd.10.06.2020 under Annexure-8.

4.3. Even though Petitioner moved the appellate authority-Opp. Party No. 3 against such order of punishment, but the appellate authority also rejected the appeal vide order dtd.24.09.2021 under Annexure-10.

4.4. Learned counsel appearing for the Petitioner contended that since on self-same issue criminal proceeding initiated in Nuagaon P.S. Case No. 66 dtd.10.10.2018, was treated as closed because of insufficient evidence, in the disciplinary proceeding so initiated under Annexure-4, Petitioner could not have been imposed with the punishment of



discharge vide order dtd.10.06.2020 under Annexure-8, further confirmed by the appellate authority vide order dtd.24.09.2021 under Annexure-10.

4.5. It is also contended that since the complaint basing on which the criminal proceeding as well as disciplinary proceeding was initiated against the Petitioner, was withdrawn by the SHG group under Annexure-5 series, after withdrawal of such complaint, there was no necessity to proceed within the departmental proceeding with imposition of the impugned punishment.

4.6. In support of his submission that on self-same issue Petitioner since was not proceeded with in the criminal proceeding and the matter was treated as closed basing on the final form submitted under Annexure-7, in the disciplinary proceeding Petitioner could not have been imposed with the punishment of discharge vide the impugned order under Annexure-8 further confirmed vide order under Annexure-10, reliance was placed to a decision of this Court in the case of *Sujit Kumar Behera Vs. D.G. & I.G. of Police & Ors.* reported in 2023 (I) ILR -CUT-556. This Court in Para 6 of the Judgment has held as follows:-



“Having heard learned counsel for the parties and after going through the materials available on record, this Court finds that the petitioner was proceeded with the charges in the Departmental Proceeding initiated under Annexure-1 because of his implication in Colliery P.S. Case No.240 dated 19.09.2014 and so also in Colliery P.S. Case No.155 of 2014. While in Colliery P.S. Case No.240 of 2014, the informant was one Ranjit Singh, in the other Criminal case i.e. Colliery P.S. Case No.155 of 2014, one Kusuma Devi was the informant. Prior to completion of the enquiry, the petitioner faced the trial in both the cases before the learned S.D.J.M. Talcher in G.R. Case No.865 of 2014 and 537 of 2014. Since the prosecution could not prove the charges against the petitioner, the petitioner was acquitted of all the charges and was set at liberty vide judgment dated 03.06.2015 under Annexure-10 series. Since the informant in both the cases are the P.W.2 & 3 in Disciplinary Proceeding, their statement should not have been believed In view of the fact that the competent Criminal Court did not believe their statements taken on oath. Not only that since the petitioner was proceeded in the Disciplinary proceeding because of his implication in the criminal case, in view of his acquittal in both the cases, placing reliance of the decision of this Court as cited supra, no order of punishment should have been imposed against the petitioner. Therefore, this Court is of the view that the order of punishment has been passed in violation of the ratio decided by this Court relying on the view of the Hon’ble Apex Court in the case of G.M. Tank Vs. State of Gujarat as well as Captain M. Paul Anthony vs. Bharat Gold Mines Ltd..”

4.7 It is also contended that in view of the recent decisions of the Hon’ble Apex Court in the case of ***Ram Lal Vrs. State of Rajasthan***



and Ors. (Civil Appeal No.7935 of 2023) so followed in the case of ***Maharana Pratap Singh Vs. The State of Bihar and Others*** (Civil Appeal No.5497 of 2025), the order of discharge passed under Annexure-8 so confirmed under Annexure-10 are no more sustainable and requires interference of this Court.

4.8 Hon'ble Apex Court in Para-13, 25 and 30 of the decision in the case of ***Ram Lal*** has held as follows:-

“13. However, if the charges in the departmental enquiry and the criminal court are identical or similar, and if the evidence, witnesses and circumstances are one and the same, then the matter acquires a different dimension. If the court in judicial review concludes that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge, the Court in judicial review can grant redress in certain circumstances. The court will be entitled to exercise its discretion and grant relief, if it concludes that allowing the findings in the disciplinary proceedings to stand will be unjust, unfair and oppressive. Each case will turn on its own facts. [See [G.M. Tank vs. State of Gujarat & Others](#), (2006) 5 SCC 446, [State Bank of Hyderabad vs. P. Kata Rao](#), (2008) 15 SCC 657 and [S. Samuthiram](#) (supra)]

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25. Expressions like “benefit of doubt” and “honorably acquitted”, used in judgments are not to be understood as magic incantations. A court of law will not be carried away by the mere use of such terminology.

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30. In view of the above, we declare that the order of termination dated 31.03.2004; the order of the Appellate Authority dated 08.10.2004; the orders dated 29.03.2008 and 25.06.2008 refusing to reconsider and review the penalty respectively, are all illegal and untenable.”



4.9. Hon'ble Apex Court in Para-47 & 50 of the decision in the case of

Maharana Pratap Singh has held as follows:-

“47. While an acquittal in a criminal case does not automatically entitle the accused to have an order of setting aside of his dismissal from public service following disciplinary proceedings, it is well-established that when the charges, evidence, witnesses, and circumstances in both the departmental inquiry and the criminal proceedings are identical or substantially similar, the situation assumes a different context. In such cases, upholding the findings in the disciplinary proceedings would be unjust, unfair, and oppressive. This is a position settled by the decision in [G. M. Tank](#) (supra), since reinforced by a decision of recent origin in [Ram Lal v. State of Rajasthan](#)³¹.

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50. The judgment acquitting the appellant reveals that the prosecution "miserably failed to prove its case beyond reasonable doubt" as both the informant and PW-2 refused to identify the appellant in court. This discussion confirms that the appellant's acquittal was based not on mere technicalities. In [Ram Lal](#) (supra), this Court held that terms like "benefit of doubt" or "honourably acquitted" should not be treated as formalities. The Court's duty is to focus on the substance of the judgment, rather than the terminology used.”

5. Mr. A. Mohanty, learned counsel appearing for the Opp. Party-Bank on the other hand made his submission while supporting the impugned order basing on the stand taken in the counter affidavit. It is contended that even though in the criminal proceeding, the proceeding was dropped because of the final form submitted by the I.O. under Annexure-7, but since the parameter to be followed in the disciplinary proceeding is different, Petitioner was proceeded with in the



proceeding and by following due procedure of law, Petitioner was imposed with the punishment of discharge vide order dtd.10.06.2020 under Annexure-8.

5.1. It is also contended that appeal filed by the Petitioner against such order was confirmed by the appellate authority vide order dtd.24.09.2021 under Annexure-10. Since the order of punishment passed by the disciplinary authority has been confirmed by the appellate authority, Petitioner is not eligible and entitled to get any benefit. Stand taken in Para 11, 18 and 20 of the counter reads as follows:-

“11. That, it is further to submit here that during course of inquiry the Inquiry report also recorded statement of witness and exhibited some of the documents and thereafter on being submitted the inquiry report on 30.03.2020, the Competent Authority on getting the Inquiry Report and after going through the detail observations, arrived at a definite conclusion that the charges leveled against the Petitioner held proved in the inquiry and are serious in nature for which Disciplinary Authority by exercise of power, imposed punishment of discharge from the service with superannuation benefits i.e. Pension and Provident Fund and Gratuity under the rules and regulation prevailing at the relevant time without disqualification for future employment in terms of



*Clause-6 (d) of the Memorandum of Settlement dated
10.04.2002 (Annexure-8 to the Writ Petition).*

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18. That, it is not out of place to mention here that when the Petitioner being an employee of the Banking business should have possesses absolute devotion and integrity and honesty which is sine qua non for every Bank employees; otherwise the People will lose their faith and confidence on the Banking system. Therefore, no leniency should be favoured to the Petitioner, when the misconduct has already been proved beyond reasonable doubt by way of conducting regular Departmental inquiry.

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20. That, it is further to submit here that the one of the stand of the Petitioner is that when the Police has submitted the final form, so the order passed by the Disciplinary Authority is to be quashed. In this respect, it would be prudent to submit here that Departmental Proceeding and the criminal proceeding even if based deserves no merit to consider and liable to be dismissed.”

6. Having heard learned counsel appearing for the Parties and considering the submissions made, it is found that Petitioner while working as a Cashier in Indian Overseas Bank in Nuagaon Branch in the district of Nayagarh, basing on the complaint made by one SHG group, Petitioner was called for with an explanation on 16.07.2018 under Annexure-1. Thereafter, a F.I.R. was lodged against the



Petitioner on self-same charges giving rise to Nuagaon P.S. Case No. 66 dtd.10.10.2018 under Annexure-2. Petitioner thereafter was placed under suspension vide order dtd.23.11.2018 under Annexure-3 and a proceeding was also initiated on self-same charges vide charge sheet dtd.26.08.2019 under Annexure-4. As found, on the ground of no evidence, the I.O. in the criminal proceeding submitted the final form under Annexure-7 indicating therein that there is no sufficient evidence to proceed against the Petitioner. Such final form was never assailed by the Bank by filing appropriate application.

6.1. However, on the face of such closure of the criminal proceeding, the departmental authority-Opp. Party No. 2 imposed the order of discharge vide order dtd.10.06.2020 under Annexure-8. Appeal filed by the Petitioner before Opp. Party No. 3 was also rejected vide order dtd.24.09.2021 under Annexure-10. It is also found that the complaint made by the SHG basing on which the criminal proceeding as well as disciplinary proceeding was initiated was withdrawn by the self-same SHG group vide letters issued under Annexure-5 series.

6.2. In view of the aforesaid analysis and placing reliance on the decisions in the case of ***Ram Lal*** and ***Maharana Pratap Singh*** as well as the decision of this Court in the case of ***Sujit Kumar Behera***



as cited (supra) and the fact that the complaint basing on which the present proceeding was initiated, was withdrawn by the SHG Group under Annexure-5 series, it is the view of this Court that Petitioner should not have been discharged from his service vide the impugned order dtd.10.06.2020 under Annexure-8, further confirmed by the appellate authority under Annexure-10.

6.3. While quashing both the order dt.10.06.2020 under Annexure-8 and 24.09.2021 under Annexure-10, this Court directs Opp. Party No. 1 to pass an order of reinstatement in favour of the Petitioner reinstating him in his services, within a period of four (4) weeks from the date of receipt of this order. The break period of service be regularized in accordance with law, but on notional basis. Any amount received by the Petitioner towards any benefit be adjusted from the future salary and entitlement of the Petitioner.

7. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Orissa High Court, Cuttack
Dated the 8th December, 2025/Sneha