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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

263(2nd cases) CWP-14167-2008 (O&M)

Date of Decision: **11.05.2026**

Bhupinder Singh

....Petitioner

VERSUS

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Karamveer Singh Banyana, Advocate for the petitioner.

Mr. Vikas Sonak, AAG Punjab.

Mr. Saurav Verma with Ms. Preeti Grover & Mr. Mukul Chauhan, Advocate for respondents No.2 to 6 with Mr. Gajender Kumar Negi, Chairman respondent No.3 in Person & Mr. Anil Kumar Mittal, General Manager respondent No.2 in person, PGB and Mr. Shivek Sharma, Law Officer.

HARPREET SINGH BRAR, J. (Oral)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of the impugned order of dismissal dated 07.08.2004 (Annexure P-24) and the appellate order dated 20.05.2008 (Annexure P-38), with a further prayer for reinstatement with all consequential benefits

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including payment of subsistence allowance from the date of suspension to the date of dismissal.

CONTENTIONS

2. Learned counsel for the petitioner *inter alia* submits that the petitioner joined the respondent bank on 23.01.1989 as an officer and was confirmed on 23.01.1991. He contends that the suspension order dated 02.06.2003 was issued in retaliation to his complaint dated 06.05.2003 against the management. The petitioner was issued a charge-sheet on 24.07.2003 but was only served the same on 20.11.2003, after four months, and his demand for documents and list of witnesses was never complied with. The subsistence allowance was also stopped despite his representation dated 29.09.2003, legal notice dated 31.10.2003, and undertaking dated 07.11.2003. The Enquiry Officer was inimical and biased, and the petitioner gave a complaint dated 21.02.2004 in this regard. On 23.04.2004, the Enquiry Officer demanded a bribe of Rs. 50,000/-, and the petitioner sent a telegram to the Chairman, Punjab National Bank. The inquiry was hurriedly completed ex-parte despite his request for change of Enquiry Officer being pending, and the Enquiry Officer submitted the report on 09.06.2004. The petitioner was dismissed on 07.08.2004, but the dismissal order was not communicated to him for nearly two years, and he received the same only on 25.05.2006 after writing six letters. His appeal was dismissed on 20.05.2008. The five complaints forming the basis of the charge-sheet are manipulated, as evident from the equal amount of Rs. 20,000/- in each, the

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similarity in content, and the fact that no FIR was registered despite a complaint to the SHO.

3. Learned counsel for the petitioner further argues that the charge-sheet suffers from inherent defects as it does not contain a list of witnesses or a list of documents, which handicapped the petitioner from filing an effective reply. The non-payment of subsistence allowance during the pendency of the disciplinary proceedings made it impossible for the petitioner to defend himself, as he had a wife and children to feed. The respondents deliberately delayed conveying the dismissal order and deciding the appeal to ensure that the petitioner could not approach this Court for quick relief. The Enquiry Officer was biased, and the representation for his change was never decided, which vitiates the entire proceedings. The long duration of the enquiry proceedings, the deliberate delay in conveying the final order, and the absence of any reply to the petitioner's various representations amount to a violation of the principles of natural justice and fair play. He, therefore, prays that the impugned orders be set aside.

4. *Per contra*, learned counsel for the respondents submits that the present writ petition is not maintainable as the petitioner seeks re-appreciation of evidence, which is outside the limited scope of judicial review under Articles 226/227 of the Constitution of India. Relying upon ***B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749*** and ***Union of India v. P. Gunasekaran, (2015) 2 SCC 610*** , he submits that this Court cannot re-appreciate evidence, interfere with factual conclusions, or substitute its own

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view. The petitioner was charged with fraudulent withdrawals of Rs. 20,000/- each from five KVC accounts, totaling Rs. 1,00,000/-, which involves financial integrity and fiduciary trust. A bank employee must maintain absolute integrity, and the punishment cannot be examined in isolation from the nature of banking service, relying upon ***Disciplinary Authority-cum-Regional Manager v. Nikunja Bihari Patanik, (1996) 9 SCC 69*** and ***Chairman & Managing Director, United Commercial Bank v. P.C. Kakkar, (2003) 4 SCC 364***. The charge-sheet disclosed the substance of the charges, and the inquiry proceedings along with management documents MD-1 to MD-36 were handed over to the petitioner on 02.03.2004. The allegation of bias and demand of bribe is vague, unsupported, and an afterthought. The petitioner deliberately avoided the inquiry despite repeated opportunities, and therefore, an ex-parte inquiry was justified.

5. Learned counsel for the respondents further submits that the plea regarding non-communication of the dismissal order is false. The dismissal order dated 07.08.2004 was sent to the petitioner at his recorded address by registered post but was returned undelivered as the petitioner was avoiding service. Thereafter, public notices were issued in two newspapers, i.e Ajit Jalandhar dated 11.12.2004 and The Sunday Tribune dated 12.12.2004. The petitioner, having two addresses, was playing "hide and seek" with the bank. The plea regarding non-payment of subsistence allowance is also misconceived. The bank vide letter dated 21.10.2003

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advised the petitioner to visit BO Saidpur and furnish a declaration that he was not engaged in any other employment, and the Branch Manager was advised to release the amount upon such compliance. The petitioner never complied. The respondents further rely upon ***Narendra Kumar Pandey, (2013) 2 SCC 740*** to argue that a charge-sheet need not contain a list of documents or witnesses unless the service rules specifically so provide. The earlier departmental record is placed only to rebut the plea of victimisation and not as the basis of the present penalty.

OBSERVATION & ANALYSIS

6. I have heard learned counsel for the parties and perused the entire records with their able assistance.

7. It transpires that the petitioner was proceeded against for serious acts of fraudulent withdrawals of Rs. 20,000/- each from five KVC accounts while working at BO Saidpur. The charge-sheet dated 24.07.2003 disclosed the substance of the allegations, the accounts involved, the amount involved, and the nature of misconduct. The petitioner was granted repeated opportunities, and the inquiry proceedings along with management documents MD-1 to MD-36 were handed over to him on 02.03.2004. The petitioner, however, chose not to participate in the inquiry and avoided the proceedings. The dismissal order dated 07.08.2004 was sent to the petitioner at his recorded address by registered post but was returned undelivered, following which public notices were issued in two newspapers on 11.12.2004 and 12.12.2004. The petitioner, having two addresses,

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deliberately avoided service. The plea regarding non-payment of subsistence allowance is contradicted by the bank's letter dated 21.10.2003, which clearly advised the petitioner to collect the amount upon furnishing a declaration, which he never did. The allegation of bias and demand of bribe is vague and unsupported by any independent evidence. The petitioner is, therefore, playing hide and seek with the bank and cannot be permitted to take advantage of his own non-cooperation.

8. The Hon'ble Supreme Court in ***Chairman-cum-Managing Director, Coal India Limited v. Ananta Saha, (2011) 5 SCC 142*** held that when a notice, charge-sheet, or inquiry report is sent to a delinquent employee by registered post at his correct address, there is a presumption of service under Section 27 of the General Clauses Act, 1897 and Section 114 Illustration (f) of the Evidence Act, 1872. The employee cannot merely claim non-receipt; the burden shifts to him to prove otherwise. The Hon'ble Apex Court further held that an inquiry officer is fully justified in proceeding ex-parte if the delinquent fails to appear in spite of notice, relying upon its judgement in ***State of U.P. v. Saroj Kumar Sinha, AIR 2010 SC 3131***. The Hon'ble Supreme Court also observed that a delinquent who adopts a "belligerent attitude" and keeps litigation alive merely on technical grounds cannot be permitted to frustrate disciplinary proceedings, and that vague allegations of bias or malafide without cogent evidence deserve outright rejection.

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9. As such, this Court holds that the petitioner cannot claim non-communication of the dismissal order when the same was sent by registered post and public notices were also issued. The ex-parte inquiry was legally justified as the petitioner deliberately avoided participation.

10. No other argument was raised.

CONCLUSION

11. In light of the above, this Court observes that the petitioner has failed to make out any ground for interference under Articles 226/227 of the Constitution of India. The inquiry was conducted by a competent authority in accordance with the prescribed procedure. The findings of the Enquiry Officer are based on evidence on record and are neither perverse nor irrational. The punishment of dismissal from service, given the serious nature of misconduct involving fraudulent withdrawal of public money by a bank officer, does not shock the conscience of this Court. The petitioner, by avoiding service, not participating in the inquiry, and raising vague and unsubstantiated allegations, has wasted the time of this Court and the respondents. Consequently, the present writ petition is dismissed.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.05.2026
Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No