

Neutral Citation No. - 2025:AHC:145542

Reserved on 19.08.2025

Delivered on 23.08.2025

Court No. - 5

Case :- WRIT - A No. - 57565 of 2011

Petitioner :- Dhan Singh Verma

Respondent :- United Commercial Bank Zonal Office Lucknow And
Another

Counsel for Petitioner :- Rajiv Gupta, Shantanu Khare

Counsel for Respondent :- S.C.

Hon'ble Saurabh Shyam Shamshery, J.

1. Petitioner-Dhan Singh Verma, while working as Senior Manager at Farrukhabad Branch of UCO Bank, has suffered with a disciplinary proceeding and by order dated 18.08.2010 was awarded a punishment of dismissal from service and appeal thereof was also rejected vide order dated 25.01.2011. Both orders are impugned in present writ petition.

2. Petitioner has set up a case that during his tenure irregularities were committed during sanction of various loans being part of charge sheet, however, responsibility was of the Higher Officers and he has been made scapegoat only on ground that he was a whistle blower and was fighting against the allegations of fraud and irregularities committed in Branch.

3. Sri Aditendra Singh, Advocate holding brief of Sri Shantanu Khare, learned counsel for petitioner, has referred a report dated 20.05.2010 of Presenting Officer that petitioner cannot be held sole responsible for irregularities. As soon as fraud and irregularities came into knowledge of petitioner, he himself made complaints against persons, who have committed fraud with Bank, however, that conduct of petitioner was not taken note of and he was served with maximum punishment of dismissal without sufficient proof that petitioner was solely responsible for irregularities.

4. From Article of Charges and Statement of Allegations it is evident that petitioner has faced serious allegations that he indulged in reckless financing

by overlooking norms and prescribed procedure of various schemes. He has sanctioned loan to persons with fake identities, sanctioned two loans to same borrower and has acted at his own to divert from the extant guidelines of the Bank without obtaining any permission from Competent Authority for such diversion. It was in violation of Regulation 3(3) of UCO Bank Officer Employees (Conduct) Regulations, 1976, as amended. The Statement of Allegations notes detail of allegations that petitioner has committed irregularities or acts of omission and commission while granting loan in as many as more than 30 cases.

5. Aforesaid irregularities are not under much dispute. Now the question is, whether petitioner was responsible for said irregularities, acts and omissions contrary to procedure prescribed.

6. Learned counsel for petitioner submitted that procedure prescribed under UCO Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 for imposing major penalty was not strictly followed. Inquiry was not conducted in terms of said procedure. Disciplinary Authority has not applied its own mind and simply followed the outcome of inquiry report. Learned counsel for petitioner also argued that petitioner has tried to protect the interest of Bank and no loss was caused to Bank, therefore, punishment is shockingly disproportionate.

7. None appeared on behalf of Respondent-Bank, however, a counter affidavit filed on behalf of Bank is on record. Respondents have supported the impugned orders and referred the nature of allegations as well as part of inquiry report that petitioner was granted opportunity to cross-examine all witnesses and also referred the answers given by witnesses in examination-in-chief as well as in cross-examination that entire responsibility was of petitioner, who has sanctioned loans without verifying documents and has violated the established procedure for sanction of loans. Petitioner has given a Tractor loan to a dead person and when it came to knowledge, he took possession of tractor without any procedure and issued a fresh loan to one Mr. Dixit. Each and every allegations were examined by Inquiry Officer and

after considering the material evidence and cross-examination, Inquiry Officer found five charges to be completely proved and three charges to be partly proved.

8. I have considered the above submissions and perused the material on record.

9. As referred above, even it is the case of petitioner that large scale irregularities were committed while granting loans to customers which were referred in Statement of Allegations. I have perused the detail inquiry report which is on record and convinced that petitioner was provided ample opportunity which he has availed by making cross-examination of witnesses, therefore, an argument that procedure prescribed was not followed, has not much substance. Principle of natural justice as well as procedure prescribed in Regulations, 1976 were followed.

10. The examination-in-chief and cross-examination of witnesses are part of inquiry report wherein it remained consistent that petitioner was the sanctioning authority and he has specific power to sanction the loans, therefore, only on vague ground and without any much evidence a claim of petitioner that he was not responsible for sanctioning loan, cannot be accepted.

11. The Court takes note that petitioner has brought on record certain applications given to Police, however, it would not support the case of petitioner since the complaint has to be lodged by a Competent Authority of Bank. Otherwise also, no copy of FIR is placed on record except a reference in letter dated 24.12.2009 that petitioner was called to record his statement in pursuance of a FIR. It is not evident, whether he was called as a complainant or as a witness or as a person acquainted with facts. The outcome of FIR is also not on record, therefore, much reliance cannot be placed on it.

12. The Court also takes note that departmental proceedings and criminal proceedings can go simultaneously and there is no bar if departmental

inquiry is concluded on basis of preponderance of probability, which was done in the present case.

13. The Court further takes note of following paragraphs of a judgment passed by Supreme Court in **Boloram Bordoloi vs. Lakhimi Gaolia Bank and others**, (2021) 3 SCC 806 which are quoted below :-

“12. Even, the last submission of the learned counsel for the appellant that the punishment imposed is disproportionate to the gravity of charges, also cannot be accepted. The charges framed against the appellant in the departmental enquiry are serious and grave. If we look at the response, in his letter dated 16-8-2005, to the show-cause notice issued by the disciplinary authority, it is clear that he has virtually admitted the charges, however, tried to explain that such lapses occurred due to work pressure. Further he went to the extent of saying — he is ready to bear the loss suffered by the Bank on account of his lapses.

13. The Manager of a bank plays a vital role in managing the affairs of the bank. A bank officer/employee deals with the public money. The nature of his work demands vigilance with the in-built requirement to act carefully. If an officer/employee of the bank is allowed to act beyond his authority, the discipline of the bank will disappear. When the procedural guidelines are issued for grant of loans, officers/employees are required to follow the same meticulously and any deviation will lead to erosion of public trust on the banks. If the Manager of a bank indulges in such misconduct, which is evident from the charge memo dated 18-6-2004 and the findings of the enquiry officer, it indicates that such charges are grave and serious. In spite of proved misconduct on such serious charges, disciplinary authority itself was liberal in imposing the punishment of compulsory retirement. In that view of the matter, it cannot be said that the punishment imposed in the disciplinary proceedings on the appellant, is disproportionate to the gravity of charges. As such, this submission of the learned counsel for the appellant also cannot be accepted.” (Emphasis supplied)

14. In aforesaid circumstances, in the present case allegations against petitioner were serious and they were proved during disciplinary proceedings after adhering to the process prescribed. Petitioner has not come up with a substantive defence and there is no illegality in impugned proceedings, i.e., inquiry report, order of Disciplinary Authority and order passed by Appellate Authority. The charges were found proved on anvil of preponderance of probability and considering the nature of proved charges that the petitioner has acted beyond his authority, procedure guidelines were followed, therefore, nature of proved charges are grave and serious as well as taking note of **Boloram Bordoloi (supra)**, punishment of dismissal is not shockingly disproportionate.

15. The writ petition is accordingly dismissed.

Order Date :- 23.08.2025

AK