GAHC010161572023

2026:GAU-AS:8673-DB

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

Case No. : WA/461/2023

THE UNION BANK OF INDIA AND 5 ORS.
REP. HEREIN BY ITS CHAIRMAN AND MANAGING DIRECTOR, UNION BANK BHAWAN, 239 BIDHAN BHAWAN MARG, MUMBAI- 400021.

2: THE CHAIRMAN AND MANAGING DIRECTOR
UNION BANK OF INDIA
UNION BANK BHAWAN
239 BIDHAN BHAWAN MARG
MUMBAI- 400021.

3: THE GENERAL MANAGER (P AND HR)

INDUSTRIAL RELATIONS DIVISION
CENTRAL OFFICE
UNION BANK BHAWAN
239 BIDHAN BHAWAN MARG
MUMBAI- 400021.

4: THE DEPUTY GENERAL MANAGER (P)
INDUSTRIAL RELATIONS DIVISION
CENTRAL OFFICE
UNION BANK BHAWAN
239 BIDHAN BHAWAN MARG
MUMBAI- 400021.

5: ASSISTANT GENERAL MANAGER CUM DISCIPLINARY AUTHORITY

UNION BANK OF INDIA
HUMAN RESOURCE MANAGEMENT DEPARTMENT
FIELD GENERAL MANAGERS OFFICE KOLKATA
225- C
A.J.C. BOSE ROAD
1ST FLOOR
ALEPE COURT KOLKATA- 700020.

6: DEPUTY GENERAL MANAGER

UNION BANK OF INDIA
NODAL REGIONAL OFFICE
G.N.B. ROAD
CHANDMARI
GUWAHATI-781024

-VERSUS-

MANISH PURKAYASTHA @ MONISH PURKAYASTHA B
S/O LATE MAHINDRA KR. PURKAYASTHA,
R/O VIVEKANANDA ROAD,
WARD NO. 4, P.O. AND P.S.- LALA,
DIST.- HAILAKANDI, ASSAM.

For the appellants : Mr. M. Sharma, Advocate
Mr. A. Hussain, Advocate

For the respondents : Mr. S. Borthakur, Sr. Advocate
Assisted by Mr. D. Gogoi, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

16-06-2026

(Ashutosh Kumar, C.J.)

We have heard Mr. M. Sharma, learned Advocate for the appellants/the Union Bank of India and five others and Mr. S. Borthakur, learned Senior Advocate assisted by Mr. D. Gogoi, learned Advocate for the sole respondent.

2. The respondent herein, while serving as Scale-II Branch Manager at Tezpur Branch of the appellant/bank, was subjected to a disciplinary proceeding with an accusation of serious misconduct of making wrong accounting entries worth Rs.1.06 crore. The *modus operandi* adopted by the respondent was of creating impersonated/fake customers' bank accounts and crediting those impersonated/ fake accounts by debiting the bank's suspense account without any actual cheques having been issued and, later, withdrawing the amounts from such impersonated/fake accounts.

He was also alleged to have spent an excessively high amount on meetings, electricity and other expenses without any supporting bills, vouchers, or, perhaps approval. These were found to be abuse of his financial powers. Thus, he was charged in the departmental proceeding with regard to abuse of his financial powers; complete lack of supervision as an officer of the bank and his failure in all respects to protect the interest of the bank.

3. In the departmental proceeding, he was served with a penalty of compulsory retirement in the year 2011.

4. The respondent challenged the punishment imposed upon him on the ground that all the actions complained against him were only for the purposes of mobilising business deposits for the bank and that there was no loss occasioned to the bank as it had recovered all the money with interest.

He also contested the punishment on the ground that he had

personally refunded the unauthorised expenses. On these grounds, he argued that the punishment was too harsh and it did not match the alleged wrongdoing.

5. Despite the appellant/bank having opposed such argument on the grounds of such action involving fake entries, unethical practices and gross abuse of the authority, putting the bank's money at risk, the learned Single Judge found that the punishment imposed upon the respondent was too harsh. The learned Single Judge went on to the extent of observing that it was shocking to the judicial conscience/shockingly disproportionate to the gravity of the alleged misconduct.

6. The challenge of the respondent thus was sustained and the order of compulsory retirement was set aside. The appellant/bank was directed to revise/re-calculate the pensionary benefits of the respondent and release all the arears in favour of the respondent within a period of three months. However, the bank was given the liberty to impose any lesser penalty, if it was so desired.

7. Mr. M. Sharma, learned Advocate for the appellant/bank drew the attention of this Court to paragraph 11 of the impugned judgment dated 23.05.2023, wherein it has been held by the learned Single Judge that from the facts available on record, it could not have been said that the charge of misconduct was totally unfounded. However, the fact that the respondent had not denied any of the allegations but, at the same time, had explained his conduct and had tried to justify the same, could not have been ignored.

8. The learned Single Judge dubbed such actions to be mis-calculation or misunderstanding of the ethical standards to be followed, but since the entire purpose was to mobilise the bank's financial interest and all unnecessary expenses had been refunded, it was harsh to subject the respondent to the punishment of compulsory retirement.

9. Mr. Sharma, therefore, contends that such finding of the learned Single Judge does not at all justify any interference with the punishment imposed upon the respondent since no infirmity has been pointed out by the learned Single Judge in conducting the disciplinary proceeding.

10. It was further submitted that in banking services, the credibility of an officer is very important and any unethical action cannot be viewed lightly. Thus, in the present case, the very assessment of the punishment of compulsory retirement being shockingly disproportionate, was not justified.

11. Opposing to the afore-noted contentions, Mr. S. Borthakur, learned Senior Advocate for the respondent submitted that nothing which was alleged against the respondent had been done under stealth and that it was only for the purposes of protecting the bank's financial interest. It was precisely for this reason that there was no denial of such wrong entries and the methodology adopted by the respondent for enhancing bank's financial interest.

12. It is undisputed that the bank did not lose out on any money and any expenses beyond the entitlement/remit of the respondent was refunded by him without any objection. Under such circumstances, the

punishment of compulsory retirement would not have been condign under any circumstances. A punishment must match the nature of offence.

13. After having heard the learned Advocates of the parties, we are firmly of the view that any aberration in the functioning of a bank employee calls for a stern view in order to not only safeguard the interest of the bank but also to enforce the public faith in the banking system.

14. However, in the present set of facts, since the respondent has attained the age of superannuation and that any lesser punishment also would not be greatly impacting the prospects of the respondent, we consider it to be desirable not to interfere with the assessment made by the learned Single Judge, which we can safely conclude, does not smack of any perversity. What the learned Single Judge perhaps meant was that from the facts alleged against the respondent, he could not have been completely absolved of the charge but the punishment was not appropriate.

15. For the reason that the respondent has attained the age of superannuation and also taking into account that the bank did not lose out on any money and the respondent had refunded the amount which was spent unauthorisedly, we refrain ourselves from interfering with the impugned judgment/assessment of the learned Single Judge.

16. We further clarify that no back wages shall be claimed by the respondent.

17. For the aforenoted reasons, this appeal fails.

18. The writ appeal accordingly stands dismissed.

JUDGE **CHIEF JUSTICE**

Comparing Assistant