



2026:DHC:6125-DB



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 28.07.2026

CNR No. DLHC010334982026

+ LPA 571/2026 & CM APPL. 48106/2026

SH. DEVENDER KUMAR

.....Appellant

Through: Ms. Aditi Gupta, (DHCLSC) Mr. Amandeep Joshi, Ms. Lavanya Bhardwaj and Mr. Akashdeep, Advocates.

versus

BANK OF BARODA & ORS.

.....Respondents

Through: Ms. Praveena Gautam, Mr. Rohan Bansla, Ms. Tissy Annie Thomas and Mr. Pawan Shukla, Advocates for BoB.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)CM APPL. 48107/2026 (Delay)

1. The present application has been filed on behalf of the Appellant seeking condonation of delay of 118 days in filing the present Appeal.
2. For the reasons stated in the Application, the same stands allowed and the delay of 118 days in filing the present Appeal stands condoned.
3. Accordingly, the Application stands disposed of.

LPA 571/2026

4. The present *intra-court* appeal is directed against the judgment dated 06.01.2026 (“**Impugned Judgment**”) passed by the learned Single Judge in



W.P.(C) No. 8117/2018 (“**Writ Petition**”), whereby the Writ Petition preferred by the Appellant was dismissed.

5. The Appellant was employed with Bank of Baroda, Respondent No. 1, as Head Cashier at its Saket Branch, New Delhi. By virtue of the said position, the Appellant was entrusted with the handling of the cash department. On 10.03.2016, a discrepancy was noticed in the cash account, reflecting a reported shortage of Rs. 10,88,850/-.

6. Consequently, a charge-sheet was issued to the Appellant. Disciplinary proceedings were thereafter conducted, and the Appellant was dismissed from service by order dated 31.10.2016, after the charges levelled against him were substantially held to be proved. Aggrieved by the said order, the Appellant preferred a departmental appeal before the Appellate Authority, which came to be dismissed *vide* order dated 13.03.2018.

7. Thereafter, the Appellant instituted the Writ Petition before this Court, *inter alia*, seeking quashing of the orders dated 31.10.2016 and 13.03.2018. The Writ Petition was, however, dismissed by the learned Single Judge *vide* the Impugned Judgment. Aggrieved thereby, the present Appeal has been preferred by the Appellant.

8. Learned counsel appearing for the Appellant submitted that the learned Single Judge failed to appreciate that the Appellant had rendered 21 years of blemish-free service with Respondent No. 1 Bank. It was further submitted that the penalty of dismissal from service is grossly disproportionate to the nature of the allegations levelled against the Appellant.



9. Learned counsel for the Appellant further submitted that the alleged cash shortage did not occur under the exclusive custody or control of the Appellant and, therefore, liability was arbitrarily fastened upon him. It was also submitted that the findings recorded in the disciplinary proceedings stood vitiated on account of non-consideration of the CCTV footage.

10. It was further submitted by learned counsel for the Appellant that owing to the confusion between sorted and unsorted currency, the Appellant inadvertently handed over Rs. 20 lakhs instead of Rs. 10 lakhs to the Currency Chest Staff and upon discovering the shortfall the Appellant himself informed the Branch Manager. It was further submitted that residual sum of Rs. 88,850/- was lost due to excess payment to customers.

11. It was further submitted by the learned counsel for the Appellant that role of other officials was never investigated despite repeated requests by the Appellant. Accordingly, the disciplinary actions were conducted in biased and coercive manner wherein the Appellant was forced to give statement and hand over blank cheques under threat of police action and dismissal.

12. We have heard learned counsel for the Appellant and perused the material placed on record. The case set up by the Appellant is, *firstly*, that liability for the cash shortage was wrongly fastened upon him, as the alleged shortage did not occur under his exclusive control and the CCTV footage was not examined during the disciplinary proceedings; and, *secondly*, that the penalty of dismissal from service is, in any event, grossly disproportionate in the facts and circumstances of the present case, particularly having regard to the Appellant's blemish-free service record of 21 years with Respondent No. 1 Bank.



13. Upon perusal of the record, it is not in dispute that the Appellant, being the Head Cashier, was responsible for handling cash at the time when the shortage of Rs. 10,88,850/- was reported. This is also evident from the written communication issued by the Appellant on the date of the incident, acknowledging the said cash shortage. It is further borne out from the record that the Appellant furnished two cheques, one for Rs. 4 lakhs and another for Rs. 3.25 lakhs, towards making good the loss caused by the said incident; however, the said cheques were returned unpaid.

14. The Appellant subsequently admitted that the cash shortage had occurred on account of his mistake and expressed willingness to make good the loss suffered by Respondent No. 1 Bank. It is, therefore, evident that the shortage occurred due to dereliction of duty on the part of the Appellant, who, by virtue of his position as Head Cashier at the concerned branch, was entrusted with custody of the cash.

15. The contention of the Appellant that the disciplinary proceedings stood vitiated on account of non-consideration of the CCTV footage also does not merit acceptance. The learned Single Judge has recorded that the issue relating to CCTV footage was raised for the first time in the Writ Petition. In any event, even if the CCTV footage were to be considered, the same would not absolve the Appellant of the negligence and misconduct attributable to him, particularly when he was entrusted with the responsibility of handling cash at the time when the shortage occurred. Accordingly, the role of other staff members is also not relevant.

16. Further, the Appellant has failed to offer any satisfactory explanation for the cash shortage. The explanation that an excess amount of Rs. 10 lakhs



was inadvertently handed over to the Currency Chest Staff, and that the remaining amount of Rs. 88,850/- may have been lost due to excess payment to customers on a single day, does not inspire confidence, as rightly observed by the learned Single Judge in the Impugned Judgment.

17. The Appellant has also urged that considering his 21 years of blemish-free service with Respondent No. 1 Bank, the penalty of dismissal from service is disproportionate to the nature of the allegations proved against him in the disciplinary proceedings.

18. In ***Surekha Domaji Bele v. MSEDCL***, 2026 SCC OnLine SC 1109, the Supreme Court held that dismissal from service is justified where the misconduct is of such gravity that continuation of the employee would be wholly incompatible with discipline, trust, or institutional functioning. It was further observed that cases involving substantial loss to the employer and conduct demonstrating complete unfitness for continued service fall within the ambit of such misconduct.

19. In the present case, the record clearly demonstrates that the cash shortage occurred when the Appellant, as Head Cashier, was responsible for handling cash at the concerned branch of Respondent No. 1 Bank, resulting in a significant loss of Rs. 10,88,850/- to the Bank. The negligence and misconduct attributable to the Appellant, thus, caused substantial loss to Respondent No. 1 Bank and demonstrated that he was unfit to continue in service as Head Cashier, a position involving fiduciary duties and requiring the highest degree of integrity and care.

20. Accordingly, the Appellant's contention that the penalty of dismissal from service is disproportionate to the nature of the allegations levelled



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against him does not merit acceptance. Further, the plea that the Appellant had maintained a blemish-free service record for 21 years is of little assistance in view of the grave misconduct and negligence established against him, which demonstrated his unfitness to continue in service as Head Cashier.

21. In view of the foregoing discussion, we find no ground to interfere with the Impugned Judgment. Consequently, the present appeal fails and is hereby dismissed. Pending application(s), if any, stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

JULY 28, 2026

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