

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: April 06, 2018

+ **W.P.(C) 3353/2018 & CM 13226/2018**

RAKESH KUMAR PURI Petitioner

Through: Mr. Anil Singal, Advocate

versus

UNION BANK OF INDIA AND ORS. Respondents

Through: Mr. O.P. Gaggar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner was departmentally tried on various charges and the Inquiry Officer had exonerated petitioner on some of the charges and held that few of the charges have been partly proved. The Disciplinary Authority vide order of 5th October, 2016 (*Annexure A-12*) had recorded 'Disagreement Note' and proceeded to pass an order to dismiss petitioner, who had retired as Chief Manager of respondent-Bank on 30th April, 2016. Petitioner had unsuccessfully appealed against the order (*Annexure A-12*) and even the review filed by petitioner stood rejected vide impugned order of 29th August, 2017 (*Annexure P-18*).

2. To assail impugned order, learned counsel for petitioner places reliance upon a recent decision of Supreme Court in *UCO Bank & Ors. v. Rajendra Shankar Shukla*, 2018 SCC Online SC 133 wherein it has been authoritatively held as under: -

"19. Under the circumstances, we have no hesitation in dismissing the appeal filed by the Bank also on the ground that the punishment of dismissal could not have been imposed on Shukla after his superannuation.

20. However, we must observe that the learned Single Judge had held against the Bank and the Division Bench also held against the Bank. Notwithstanding this the Bank preferred this appeal. The appeal was preferred despite at least two decisions delivered by this Court making the legal position clear. The Bank would have been well-advised to follow the law laid down by this Court rather than unnecessarily litigate against an employee who has superannuated. We have no doubt that Shukla must have spent a considerable amount in litigation. Accordingly, while dismissing the appeal, we impose costs of Rs. 1 lakh which will be paid to Shukla within 4 weeks from today towards his legal expenses."

3. Learned counsel for petitioner submits that punishment inflicted upon petitioner is highly disproportionate as petitioner had record of 36 years of unblemished service and the alleged misconduct had not resulted into any financial loss to respondent-Bank.

4. Instead of putting respondents to notice, it is deemed appropriate to call upon the reviewing authority of respondent-Bank to reconsider impugned order of 29th August, 2017 (*Annexure P-18*) in light of Supreme Court's decision in *Rajendra Shankar Shukla (supra)*. Such a course is adopted as the aspect of penalty imposed being disproportionate has not been considered in impugned order (*Annexure P-18*) despite petitioner asserting so in the review petition. Let *suo motu* review in terms of *Union Bank of India Officer Employees' (Discipline and Appeal)*

Regulations, 1976 be undertaken by reviewing authority of respondent-Bank within a period of six weeks from today and its fate be conveyed to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be. Respondent-Bank be apprised of this order forthwith to ensure its compliance.

5. With aforesaid directions, this petition and the application are disposed of.

(SUNIL GAUR)
JUDGE

APRIL 06, 2018

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