



IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: July 04, 2022

+ W.P.(C) 8732/2019, CM APPLs. 36071/2019 & 8839/2021

NARESH KUMAR GOEL

..... Petitioner

Through: Mr. Ravi Bassi & Mr. Vikas
Shokeen, Advs.

versus

SYNDICATE BANK
THROUGH ITS GENERAL MANAGER

..... Respondent

Through: Mr. Puneet Taneja and
Ms. Laxmi Kumari, Advs.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T

V. KAMESWAR RAO, J

1. The present petition has been filed by the petitioner with the following prayers:

“In view of the facts and circumstances narrated above, it is respectfully submitted that this Hon'ble Court may be pleased to;-

a. issue the appropriate writ, order or direction for quashing the chargesheet bearing Ref.No.082/HRD: IRD/DA-3 dated 03/02/2018, issued by the respondent bank upon the petitioner which is annexed herewith as ANNEXURE-P-6.

b. award costs in favour of the petitioner and against the respondent; and



c. grant any other and further order or direction in favour of the petitioner and against the respondent, as may be deemed fit and proper under the facts and circumstances of this case by this Hon'ble Court."

2. In substance the challenge is to the charge sheet dated February 03, 2018 issued to the petitioner under the provisions of Regulations 43 & 45 of Syndicate Bank (Employees') Pension Regulations, 1995 read with Regulation 6 of Syndicate Bank Officer Employees (Discipline & Appeal) Regulations, 1976 (hereinafter as, Regulations of 1995 and Regulations of 1976 respectively).

3. Some of the facts as noted from the petition are that the petitioner joined the respondent / Syndicate Bank ('Bank', for short) in the post of Clerical cadre on December 20, 1982. He was promoted hierarchically from time to time. On June 7, 2012, the petitioner was promoted to the post of Senior Branch Manager at Bisawar Branch and on May 02, 2014, he was relieved from Bisawar Branch to Regional Inspectorate at Delhi as Senior Manager (Inspection). On December 19, 2015, he retired from the bank by opting for Voluntary Retirement Scheme of the Bank.

4. On November 21, 2017, he received a show cause notice dated November 14, 2017, from the Bank. On November 26, 2017, the petitioner sought extension of time to file reply. On December 11, 2017, the petitioner demanded list of documents and documents relied upon by the bank in order to submit the specific reply to the show cause notice. It is the case of the petitioner that on February 10, 2018, he received an incomplete charge sheet dated February 03, 2018, without annexing list of documents, documents and list of witnesses



relied upon by the bank. Finally, on March 07, 2018, the Petitioner received the documents relied by the Bank.

5. On March 17, 2018, petitioner received a letter from the bank informing the petitioner on the appointment of the Inquiry Officer. The Inquiry Officer held a preliminary inquiry on September 04, 2018. This writ petition was filed on August 05, 2019. When the matter was listed on August 13, 2019, this Court had directed the Bank to stay the enquiry proceedings against the petitioner.

6. The case of the petitioner as contended by his counsel Mr. Ravi Bassi, that the petitioner having retired from the services of the Bank in the year 2015, and the charges relate back to 4 years prior to the issuance of the charge sheet, the same is impermissible in view of the Regulation 48 of the Regulations of 1995. In this regard, he has drawn my attention to Regulation 48 of the Regulations of 1995.

7. He also submits that the periodicity of Risk Based Internal Audit is 18 months(maximum) and the Bank had conducted more than three Risk Based Internal Audits during the period from July 20, 2012 to March 07, 2018. This audit / inspection scrutinizes any pre sanction appraisal, documentation and disbursement of loans / advances and post sanction follow up. If any irregularity is missed out by auditors / inspectors in the first audit / inspection, it is reasonable to expect that the remaining undetected irregularities will be detected in the second audit / inspection and necessary disciplinary proceeding initiated against the concerned officials in the follow up action. Normally the second audit / inspection would be completed within 3-4 years. It is in accordance with this procedure that the Central Vigilance Commission



had approved the proposal that no disciplinary proceeding will ordinarily lie against any official for any lapse not detected within two successive internal regular audits / inspections of the same account or 4 years from the date of event, whichever is later. In case any irregularity is detected subsequent to the second audit / inspection, the auditors / inspectors concerned will be held accountable and liable for disciplinary proceedings.

8. He stated that the impugned charge sheet which has been issued to the petitioner are vague and unsubstantiated imputation of misconduct herein below:

- (i) The petitioner has failed to obtain the complete and undated application and supporting documents along with ADV80A of Borrower / Guarantor.
- (ii) The petitioner has failed to conduct presanction visit to the residence / place of work of borrower and had not verified civil consumer report of borrower and guarantor.
- (iii) The petitioner has placed CIBIL Detect / CIBIL Report in some loan accounts after sanction / release of the loan to misguide the bank Inspector.
- (iv) The specific release was not done by the petitioner in many cases.
- (v) The invoice / receipt of the Machinery and inventory to be purchased is either undated / prior to the date of sanction or not available on record in most of the loans.
- (vi) The confirmation of the delivery of machinery ASD 13 is available in only one account.



(vii) The insurance of security is arranged through Oriental Insurance Company Limited although our bank was having tie-up with United India Insurance Company Limited which has caused financial loss to the bank as non-interest income.

9. The aforesaid, according to Mr. Bassi is not definite / distinct charges as is required to be given under the Regulations. He stated that the loans which are subject matter of the charge sheet were sanctioned and disbursed were under the category of MICRO Finance and are part of the priority sector of Government of India and Bank. The loans / events mentioned in the charge sheet are secured by CGTMSE Scheme of Government of India. He also mentioned that the petitioner could not achieve the target fixed by the bank and Government of India, the petitioner performed his duties upto fullest satisfaction of his superiors during his period as Senior Bank Manager at Bisawar Branch. The inspection / short inspection and off-site monitoring are conducted by the respondent during the relevant period in respect of alleged events mentioned in the charge sheet stands closed. The irregularities / lapses pointed out by the supervisory mechanism of the respondent was attended then and there and during the time of relieving from the services by opting VRS, all the functionaries had given clearance and there was no irregularity / lapse existing as on / till December 19, 2015 against the petitioner.

10. According to him, though a charge sheet was served upon the petitioner only on March 07, 2018, the preliminary inquiry conducted was with a delay of six months from the date of initiation of disciplinary proceedings. The regular inquiry has not commenced till



date. He has relied upon the judgment of the Supreme Court in the case of ***Prem Nath Bali v. The Registrar High Court of Delhi & Anr.***, which *inter alia* held that proceedings should be completed within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to complete the inquiry but not more than a year.

11. He stated that the impugned charge sheet is contrary to the law laid down by this Court in the case of ***Harpreet Singh Makkar v. Punjab and Sind Bank, W.P.(C) 6382/2015*** and other connected writ petitions decided on August 18, 2015, wherein this Court has quashed the charge sheet issued to the petitioners on those writ petitions on the ground that the same are beyond the period of 4 years from the date of events. He has also stated that the above judgment attained finality as the Intra Court Appel against the judgment has been dismissed by the Division Bench of this Court. A similar interpretation of Regulations 43, 45 and 48 were also given by the High Court of Kerala in the case of ***B. Raghudharan v. Union Bank of India & Ors., W.P. (C) 38387/2010***, decided on February 26, 2016.

12. It was the submission of Mr. Bassi that in terms of Regulation 6 of the Regulations of 1976, major penalties which cannot be imposed in the case of pensioners as held by the Supreme Court in the case of ***Jaswant Singh Gill v. Bharat Coking Coal Ltd. & Ors., 2007 (1) SCC 663***. He stated that from perusal of the charge sheet, it is clear that the charges relate to the period July 20, 2012 to March 1, 2014 when the petitioner was posted at Bisawar Branch whereas the charge sheet was



received by the petitioner on February 10, 2018, though incomplete. Hence, the charge sheet having been issued more than 4 years from the date of events, the same is illegal and unsustainable and need to be quashed.

13. On the other hand, Mr. Puneet Taneja, learned counsel for the respondent justified the issuance of charge sheet to the petitioner. According to him, the petitioner had retired from the services of the Bank on December 19, 2015, under Voluntary Retirement Scheme and is a Pensioner of the respondent Bank. While submitting the application for Voluntary Retirement from the services of the Bank, the petitioner has undertaken as under: *“I am aware that the Bank may initiate action against me for any act of commissions / omissions, which may come to light at a later date and also recover any financial loss which may arise on that account, from my terminal benefits, including the pension payable in future”*.

14. He stated that the undertaking given by the petitioner is very clear and the same shall not preclude the Bank to initiate inquiry against the petitioner for any misconduct he has committed during his service even on the ground that the same is contrary to the Regulation 48 of the Regulations of 1995.

15. Mr. Puneet Taneja submitted that the charges against the petitioner are very serious in nature wherein the following irregularities have been found on his part which have already been noted above. Additionally, it is the case of the Bank that the petitioner permitted cash withdrawal on various dates. He accommodated the customer and failed to ensure the end utilization of the loan. He had



failed to obtain the AOD from then borrower. In violation of the extant guidelines of the Bank. He had exposed risk loss of ₹2.75 Crore approximately by sanctioning various credit facilities.

16. The objections of the petitioner with regard to charge sheet was examined vide letter dated March 31, 2018, which was informed to the petitioner that the Authority did not see any reasons to hold the departmental inquiry and advised the petitioner to appear before the Inquiry Authority and cooperate for the smooth conduct of the disciplinary proceedings and also informed that no further correspondence in this regard will be entertained.

17. He also stated that the Regulations 43 and 45 of the Regulations of 1995, entitles the Bank to issue charge sheet and proceed departmentally for any fraudulent actions or grave misconduct attributable to the pensioner. The Bank has various supervisory mechanisms at various levels to ensure strict compliance of Banks guidelines and to take preventive and corrective steps in case of any violations and deviations. The misconduct committed by the petitioner may not have been brought to limelight. The respondent can take action against a pensioner if he / she is found guilty of any misconduct on a later date. Non discovery of the misconduct at first instance is not mitigating fact that absolves the petitioner from the misconduct committed by him. The CVC Guidelines provides that no disciplinary proceedings will ordinarily lie against any official for any lapse not detected within two successive internal regular audits inspections of the same account or 4 years from the date of event which is later the limitation of 4 year, shall not be applicable in cases of fraud, other



criminal offences, cases where *malafide* are inferable and are observed.

18. The charge sheet has been issued in respect of a series of events that happened till May 02, 2014. The petitioner himself mentioned that the last alleged event mentioned in the charge sheet is on March 01, 2014 which is well within the period of 4 years since the charge sheet was issued on February 03, 2018.

19. He stated that the definition of the expression, 'event' mentioned in Regulation 48(2) of the Regulations of 1995, included 'events' on the principle of singular means plural. The expression, 'event' also means the last of the events in the series and thus, does not stop at the date of sanction of the financial accommodation, but continues on such dates, when, the act in furtherance of the original financial accommodation occurs or indulged in. Hence, the issuance of charge sheet to the petitioner is justified and not coming under Regulation 48 (2).

20. It was the submission of Mr. Taneja that the judgment in the case of ***Jaswant Singh Gill (supra)*** has been set aside by the Apex Court in the case of ***Chairman-cum-Managing Director Mahanadi Coal Fields Ltd. v. Rabindranath Choubey, 2020 SCC Online SC 470*** (para 28) and in ***State Bank of India v. Ram Lal Bhaskar, (2011) 10 SCC 249***, it was held that if the Rule permits, disciplinary proceedings and consequent action can be taken in terms of the said Rules and Regulations.

21. He also stated that Regulations 43 and 45 permits initiation of departmental enquiry as per the procedures specified in Regulations of 1976, against a pensioner which itself shows that the enquiry can be



initiated even after the employee has attained the age of superannuation or having retired from the services of the Bank. In this regard, he has relied upon the judgments in the cases of **A. Vamana Acharya v. Syndicate Bank, ILR 2001 KAR 4896**, **S.M.Adiga & Ors. v. Syndicate Bank & Anr., ILR 2011 KAR 4007**, and **Punjab & Sind Bank v. Nand Lal Phatnani 2015 SCC OnLine Del 12663**.

22. He also stated that without prejudice, even if Regulation 48 (2) is applicable to the facts of the case, a bare reading of the charge sheet makes it clear that the disciplinary action was initiated well within the period of 4 years from the date of the event. The irregularities committed by Petitioner are pertaining to the period between June 07, 2012 and May 02, 2014. Whereas show cause notice was issued to the Petitioner on November 14, 2017, and the charge sheet has been issued on February 03, 2018. As per Regulation 20(3)(ii) of Syndicate Bank Officers Service Regulations, disciplinary proceedings are deemed to be pending if show cause notice has been issued to the delinquent. He has relied on the law laid down in the case of **Balkishan Sobti v. Punjab & Sind Bank and Ors., 2016 SCC Online P & H 4434**.

23. In the last, he submits that it is a well settled principle of the law that the charge sheet or, show cause notice in disciplinary proceedings should not ordinarily be quashed by the Court. In this regard, he has relied upon the judgments in the case of **State of U.P. v. Brahm Datt Sharma, AIR 1987 SC 943**, **Executive Engineer, Bihar State Housing Board v. Ramesh Kumar Singh & Ors., (1996) 1 SCC 327**, **Ulagappa & Ors. v. Divisional Commissioner, Mysore & Ors.,**



AIR 2000 SC 3603 (2), Special Director & Anr. v. Mohd. Ghuiam Ghouse & Anr., AIR 2004 SC 1467, and Union of India & Anr. v. Kunisetty Satyanarayana, AIR 2007 SC 906.

24. Having heard the learned counsel for the parties, the only issue which arise for consideration is whether the charge sheet issued to the petitioner on February 03, 2018, under Regulations 43 and 45 of the Regulations of 1995, read with Regulation 6 of the Regulations of 1976, shall be barred by limitation prescribed under Regulation 48 of Regulations of 1995. To answer this issue, it is necessary to reproduce the Regulation 48 of the Regulations of 1995, as under:-

“48. Recovery of Pecuniary loss caused to the Bank (1) The competent authority may withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, and order recovery from pension of the whole or part of any pecuniary loss caused to the Bank if in any departmental or judicial proceedings the pensioner is found guilty of grave misconduct or negligence or criminal breach of trust or forgery or acts done fraudulently during the period of his service. Provided that the Board shall be consulted before any final orders are passed. Provided further that departmental proceedings, if instituted while the employee was in service, shall, after the retirement of the employee, be deemed to be proceedings under these regulations and shall be continued and concluded by the authority by which they were commenced in the same manner as if the employee had continued in service. (2) No departmental proceedings, if not instituted while the employee was in service, shall be instituted in respect of an event which took place more than four years before such institution; Provided that the disciplinary proceedings so instituted shall be in accordance with the procedure applicable to



disciplinary proceedings in relation to the employee during the period of his service. (3) Where the Competent Authority orders recovery of pecuniary loss from the pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of employee; Provided that where a part of pension is withheld or withdrawn, the amount of pension drawn by a pensioner shall not be less than the minimum pension payable under these regulations”.

25. The plea of Mr. Bassi, is primarily that the charges framed against the petitioner relates back to beyond the period of 4 years before the issuance of charge sheet on February 03, 2018, and as such the same could not have been issued. This submission of Mr. Bassi contested by Mr. Taneja by stating:-

- (i) That the petitioner while seeking voluntary retirement on December 19, 2015 under the Voluntary Retirement Scheme has given an undertaking that the bank can initiate action against him for any act of omission and commission which may come to light at a later date and also recover any financial loss and as such does not depute the bank from initiating action against the petitioner even on the ground that the charge sheet is contrary to Regulation 48 of the Regulations of 1995.
- (ii) The charge sheet against the petitioner is of a very serious nature.
- (iii) The omission and commission of the petitioner has exposed the bank of a risk loss of ₹2.75 crores.
- (iv) The bank has various supervisory mechanism at various



levels to ensure strict compliance of bank guidelines and to take preventive and corrective steps in case of any violation and deviations including an action holding departmental inquiry under the rules.

(v) Non discovery of the misconduct at first instance is not mitigating fact that absolves the petitioner from the misconduct committed by him.

(vi) The charge sheet has been issued in respect of a series of events that happen till May 02, 2014.

(vii) The petitioner himself has mentioned that the last alleged event mentioned in the charge sheet is on March 01, 2014 which is well within the period of 4 years, since the charge sheet was issued on February 03, 2018.

26. Having noted the broad submissions made by Mr. Taneja, to answer the issue which arises for consideration, it is necessary to note the contents of the charge sheet issued to the petitioner. There is no dispute that the Articles of Charge, primarily related to the period, when the petitioner was working as Senior Branch Manager at Bisawar Branch, i.e., June 07, 2012 to May 02, 2014. Reference has been made to various accounts against which loans have been advanced during that period. The imputation of charges also depicts in a tabular form i.e., Account Number / Sanctioned Amount / Date of Sanction / Outstanding Balance As on 30.06.2017, / Status of the Loan Account (Table I of the Charge Sheet in Paper Book). The *Articles of Charge* framed against the petitioner are in the following manner: -

“That you have retired from the service of the bank on



19.12.2015 by taking VRS. While in service you had been working as Sr Branch Manager at Biswar Branch during the period between 07.06.2012 and 02.05.2014. While working in your position as such, the following circumstances appear on record.

You have sanctioned the loans to the customers by accepting incomplete/partial filed loan application. Pre and post sanction visits were not conducted by you. CIBIL reports of both Borrower and guarantor are not verified. You have sanctioned the credit facility for existing stock/machinery and there is no stock purchased out of loan proceeds. You had failed to follow Margin norms. You had sanctioned the MSME loans without involving the Credit Officer. You had failed to obtain the Asd13 confirmation of delivery of machinery. You had accommodated the customer while sanctioning the loans and failed to ensure the end utilization and got insured the securities created out of the bank finance from Oriental Insurance Company instead of United India Insurance Co, with whom our bank is having tie-up resulting in financial loss to bank. By your above act you have exposed the Bank funds of Rs.2.75 Crore approximately to the risk of financial loss. It is observed that you have failed to obtain the AOD from the borrower in violation of extant guidelines of the Bank.

The details of the above and the irregularities committed, by you are more fully described in the Statement of Imputations of Misconduct on your part appended here below.

Therefore, you are hereby charged for commission of "Grave Misconduct" making you liable for action under Regulation 43 r/w Regulation No:45 of Syndicate Bank (Employees') Pension Regulations, 1995."

27. The dates of sanction of loans of some accounts are between the period from February 03, 2014 to March 01, 2014. Mr. Taneja



may be right to state that charge sheet having been issued on February 03, 2018, some of the loans were sanctioned within 4 years preceding the date of institution of charge sheet and hence those charges shall not be barred by limitation as prescribed under Regulation 48 of the Regulations of 1995.

28. Before dealing with the submission made by Mr. Taneja, it is necessary to deal with the submission of Mr. Taneja that the show cause notice was issued to the petitioner on November 14, 2017 and hence the limitation has to be seen from that date. This submission of Mr. Taneja is without any merit. It is settled law in terms of the judgment of the Supreme Court in the case of ***UOI v. K.V. Jankiraman, (1991) 4 SCC 109***, wherein the Supreme Court held that the disciplinary proceedings get initiated with the issuance of charge sheet. In the case of ***Harpreet Singh Makkar (supra)*** also this Court in paragraph 13 held that issuance of show cause notice is not an initiation of disciplinary proceedings under the rules.

29. Having said that, coming back to the plea of Mr. Taneja, that some charges are within limitation, suffice to state that any misconduct related to loan account(s) which were sanctioned prior to February 03, 2018 cannot be a part of a charge sheet issued to the petitioner being beyond four years as it is barred by limitation under Regulation 48 of the Regulations of 1995. The Supreme Court, on a similar issue in the case of ***State of U.P. and Anr. Vs. Shri Krishna Pandey, 1996 (9) SCC 395*** as under:

“6. It would thus be seen that proceedings are required to be instituted against a delinquent officer before



retirement. There is no specific provision allowing the officer to continue in service nor any order passed to allow him to continue on re-employment till the enquiry is completed, without allowing him to retire from service. Equally, there is no provision that the proceedings be initiated as disciplinary measure and the action initiated earlier would remain unabated after retirement. If Rule 351- A is to be operative in respect of pending proceedings, by necessary implication, prior sanction of the Governor to continue the proceedings against him is required. On the other hand, the rule also would indicate that if the officer caused pecuniary loss or committed embezzlement etc. due to misconduct or negligence or dereliction of duty, then proceedings should also be instituted after retirement against the officer as expeditiously as possible. But the events of misconduct etc. which may have resulted in the loss to the Government or embezzlement, i.e., the cause for the institution of proceedings, should not have taken place more than four years before the date of institution of proceedings. In other words, the departmental proceedings must be instituted before lapse of four years from the date on which the event of misconduct etc. had taken place. Admittedly, in this case the officer had retired on March 31, 1987 and the proceedings were initiated on April 21, 1991. Obviously, the event of embezzlement which caused pecuniary loss to the State took place prior to four years from the date of his retirement. Under these circumstances, the State had disabled itself by their deliberate omissions to take appropriate action against the respondent and allowed the officer to escape from the provisions of Rule 351-A of the Rules. This order does not preclude proceeding with the investigation into the offence and taking action thereon”.

(emphasis supplied)



30. It follows, any misconduct committed by the petitioner within 4 years from the date of institution of the charge sheet i.e., February 03, 2018, can be instituted under Regulation 48 of the Regulations of 1995.

31. It is noted that the loan accounts between serial No.330 to 340 in Table I of the charge sheet, which were sanctioned and paid within four years from date of issuance of charge sheet and the Articles of Charge relates to the alleged illegalisation while sanctioning the loans can be subject matter of the charge sheet and not the other accounts.

32. Mr. Bassi in support of his submission has relied upon the judgment of this Court in ***Harpreet Singh Makkar (supra)***, wherein this Court in paragraph 14 has held as under: -

*“14. Insofar as the judgment referred to by Mr. Arora in the case of **Kunisetty Satyanarayana (supra)** is concerned, the Supreme Court in the said case was primarily concerned with facts wherein the challenge was made to the charge sheet alleging that he does not belong to Konda Kapu community which was an ST community and as such, was not entitled to reservation under ST category. The Supreme Court was of the view that the challenge to the charge sheet was premature as a mere charge sheet or show cause notice, does not give rise to any cause of action because it does not amount to any adverse order which affects the rights of any party, unless the same has been issued by a person, who has no jurisdiction to do so. According to the Supreme Court, it is quite possible, after considering the reply to the show cause notice or after holding the enquiry, the authority concerned, may drop the proceedings or hold that the charges are not established. It is well settled that a writ lies when a party infringes the right of other party. A mere show*



cause notice or the charge sheet does not infringe the right of anyone.”

(emphasis supplied)

33. The said judgment is distinguishable inasmuch as in the said case, the charges relate back to 4 years beyond the period from the date of initiation of departmental proceeding. Whereas in the present case, the charge which are beyond four years are barred by limitation but the respondent bank can initiate proceedings for those charges which are within four years from the date of issuance of the charge sheet. This Court has held that the respondent therein is precluded from taking action against the petitioner. The said judgment has been challenged in an intra Court appeal being ***Punjab & Sind Bank v. Harpreet Singh Makkar, LPA 677/2015***, decided on October 09, 2015, wherein the Division Bench held as under:-

“16. The position therefore would be that against serving employees of the appellant bank disciplinary proceedings can be initiated for acts of omission and commission if they constitute a misconduct irrespective of limitation, but with respect to employees who have superannuated from service the disciplinary proceedings cannot be initiated if they relate to events which took place more than 4 years before the institution of the disciplinary proceedings.”

34. The reliance placed by Mr. Taneja on the judgment in the case of ***Chairman-cum-Managing Director Mahanadi Coal Fields Ltd. (supra)*** and ***State Bank of India (supra)***, wherein the Supreme Court held that the disciplinary proceedings can be initiated against the retired bank employees, cannot be contested. The judgment is not relevant to the issues which are considered in this case, as the



petitioner is not contesting that the respondent cannot initiate the proceedings after retirement. His plea is that the same cannot be for certain events which took place beyond the period of four years from the date of issuance of the charge sheet. Similarly, the reliance was placed by Mr. Taneja on *A. Vamana Acharya (supra)*, *S.M.Adiga & Ors. (supra)* and *Punjab & Sind Bank (supra)*, are also not relevant to the issue in question as the same are for similar proposition.

35. In so far as the submission of Mr. Taneja, the charge sheet or show-cause notice in disciplinary proceedings should not ordinarily be quashed by the Court and relying upon the judgments referred to in paragraph 23 above is concerned, suffice to state, as held by the Division Bench of this Court in the case of *Punjab and Sind Bank v. Harpreet Singh Makkar, LPA 677/2015*, it is a settled law a jurisdictional issue concerning a charge sheet can be the subject matter of a challenge to the very initiation of disciplinary proceedings. Hence this plea is rejected.

36. Having said that, this petition is disposed of, the respondent is precluded from initiating departmental inquiry vide charge sheet issued to the petitioner on February 03, 2018, to the extent that the same relate to the charges beyond a period of 4 years preceding the date of February 03, 2018, as the same shall be bad in law. It is ordered accordingly.

37. Liberty is with the bank to proceed against the petitioner with regard to those loan accounts between serial No. 330 to 340 at page 154 of the paperbook as per the Articles of Charge framed against the petitioner and proceed in accordance with law.



38. The petition is disposed of.

CM APPLs. 36071/2019 & 8839/2021

In view of the order passed in the petition, these applications have become infructuous and disposed of as such.

V. KAMESWAR RAO, J

JULY 04, 2022/aky

