

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17028 of 2013

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Nand Kishore Jomna, S/O Late Jomna Resident Of Gyan Jyoti Lane, West Of
St. Karen'S School, Gola Road, Danapur, P.S- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The Union Bank of India, having its Head Office at 239, Vidhan Bhawan Marg, Nariman Point, Mumbai-400021 through its Chairman-cum-Managing Director.
2. The General Manager (P &HR), Head Office At 239, Vidhan Bhawan Marg, Nariman Point, Mumbai- 400021.
3. The Deputy General Manager, Union Bank of India, Nodal Regional Office, Fraser Road, P.S- Kotwali, District-Patna.
4. The Chief Manager-cum-Disciplinary Authority, Human Resources Management Department, Field General Manager's Office, Union Bank of India, Kapoorthala Complex, Aliganj, Lucknow (U.P.)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhyachal Singh, Advocate Mr. Nityanand Mishra, Advocate Mr. Alok Abhinav, Advocate
For the Respondent/s	:	Mr. Kumar Alok, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAV ORDER

Date: 04-03-2024

Heard Mr. Vindhyachal Singh, learned Senior Counsel
appearing on behalf of the petitioner assisted by Mr. Nityanand
Mishra, learned Advocate and Mr. Alok Abhinav for the
petitioner and Mr. Kumar Alok, learned counsel for the
respondent Bank.

2. I.A. No.01 of 2023

3. I.A. No.01 of 2023 has been filed for following
prayers in the writ application:

“(i) For issuance of writ in the
nature of certiorari or any other appropriate



writ for quashing of the inquiry report contained in memo no.2159 dated 09.06.2007 (Annexure-7) to the writ petition) being cryptic and perverse and quashing of the Article of Charge vide Ref. NROL/DP/835 dated 05.09.2006 (Annexure-R/A to the counter affidavit) served to the petitioner.

(ii) For issuance of writ in the nature of mandamus of any other appropriate writ for commanding the respondents to reinstate the petitioner with all consequential benefits including salary and allowances for the concerned period as the petitioner was not engaged in any gainful employment during that aforesaid period.

(iii) For issuance of any other writ order or direction which your Lordships made in fit in the facts and circumstances of the case.”

4. I.A. No.01 of 2023 stands allowed become part of the writ petition.

5. The present writ petition has been filed on behalf of the petitioner for quashing of the dismissal order dated 20.08.2007 (Annexure-9) passed by the Disciplinary Authority by which the petitioner has been inflicted with major penalty of dismissal from the service of the bank and for quashing of an



order dated 16.04.2013 (Annexure-12) passed by the respondent no.2 by which the appeal of the petitioner has been rejected and for quashing of enquiry report dated 09.06.2007 (Annexure-7).

6. The petitioner was appointed as a Clerk-cum-Cashier in Union Bank of India in the year 1977, in due course the petitioner become officer Scale-I in the year 1995 and was posted at Raza Bazar Branch (Patna) of the Bank.

7. The petitioner was promoted as Manager, Scale-II in the year 2005 and was posted at Gahmar, District- Ghazipur (Uttarpradesh). When the petitioner was posted as Branch Manager of Faridpur Branch, Patna in the year 2004 certain irregularities are alleged to have been committed by the petitioner for which a memorandum dated 23.05.2005 was served upon him by the Chief Manager, NRO, Patna, communicated by the Chief Manager, Regional Office, Ghazipur vide letter dated 25.06.2005.

8. From bare perusal of the memorandum certain allegations were levelled against the petitioners with regard to advancement of loans under different heads by the petitioner which according to the memorandum exceeded the target by 75.57 lacs for March, 2005 and the petitioner was asked to submit his explanation within fifteen days from the receipt of



memorandum.

9. Accordingly, the petitioner has submitted his explanation on 12.08.2005 clarifying his position regarding the advancement of loans and refuting all the allegations as mentioned in the aforesaid memorandum.

10. A supplementary memorandum dated 03.10.2005 was also served upon the petitioner in which certain irregularities apart from the original memorandum have been pointed out against the petitioner. The petitioner again submitted his reply to the supplementary memorandum on 01.02.2006 in which he categorically stated that there were no malafide intention or gross negligence in his part pertaining to the allegations levelled in the supplementary memorandum.

11. The authority not being satisfied with the reply of the petitioner has been taken a decision to conduct a departmental proceeding against the petitioner and inquiry proceeding were concluded on 06.04.2007 in which he found three charges out of four charges to be proved and one charges has not proved. The Enquiry Officer submitted his inquiry report on 09.06.2007 to the Disciplinary Authority in which the Charges/Allegation No.1, 8, 16, 16, 18, 19 & 20 are stated to have been fully proved, Charges/Allegation No.2, 10, 11, 12,



13, 14, 15, 17, 22 and 23 are either partially proved or proved but no completely whereas all other charges/allegations were not proved against the petitioner and according to the inquiry report the petitioner had been held guilty for the following charges:

“(i) That he failed to discharge his duties with utmost devotion and diligence.

(ii) That he failed to perform his duties with utmost honesty and integrity.

(iii) That he acted otherwise than in his best judgment in performance of his official duties.

(iv) That he failed to take all possible steps to ensure and protect the interest of the Bank.”

12. The Enquiry Officer has not given any reason in his finding that the petitioner is guilty and failed to perform his duty with utmost honesty and integrity. The petitioner was asked to submit his explanation on the inquiry report which is given by the disciplinary authority. Accordingly, the petitioner submitted his reply of the inquiry report on 02.07.2007 stating therein that no financial loss had been caused to the Bank due to advancement of loan which were advanced as per the Bank norms and requested the disciplinary authority to exonerate him from all the charges and the disciplinary authority did not



consider the explanation of the petitioner and on the basis of the inquiry report inflicted the major penalty of dismissal from the service of the bank on the petitioner vide order dated 20.08.2007.

13. The petitioner had filed an appeal on 11.10.2007 before the appellate authority and no order was passed by the appellate authority, then the petitioner filed a writ petition bearing C.W.J.C. No.1179 of 2013. The Hon'ble Court vide an order dated 31.01.2013 has directed the appellate authority to dispose of the appeal of the petitioner within a period of six months. The appellate authority vide an order dated 16.04.2013 rejected the appeal of the petitioner.

14. Learned counsel for the petitioner submits that being perusal of the impugned dismissal order, it appears that the disciplinary authority has not considered the materials brought on record by the presiding officer and he has been based his order only on the alleged charges, shown to have been proved by the enquiry officer and the impugned order of dismissal has no application of mind as the disciplinary authority while inflicting the major penalty failed to consider that no irregularities were committed by the petitioner while advancing the loans under deducted rates and the irregularities if



any where curable and also no financial loss has been caused to the Bank. He further submits that the bank has appointed an Enquiry Officer namely, Shri K.K. Das Gupta who was retired DGM, Bank of India and the resolution no.6 suggests that the Enquiry Officer should be a public servant and a retired DGM is not the public servant and the Enquiry Officer not considered the submission of the petitioner and he passed the impugned order which is bad in law.

15. Learned counsel for the petitioner submits that in view of the aforesaid, the Enquiry Officer as well as Disciplinary Authority without considering the contention of the petitioner has passed the aforesaid orders which is bad in law and the Enquiry Officer has not correctly evaluate the charges levelled against the petitioner and the certain documents which were necessary to arrive at conclusion has not been considered by the authority concerned.

16. Learned counsel for the Bank on the other hand has field a detailed counter affidavit stating therein that the entire departmental proceeding was conducted against the petitioner in accordance with law and ample opportunity was given to the petitioner to defend his case and principle of natural justice also complied with and there is no procedure



irregularities in the departmental proceeding and he also relied upon a judgment in the case of **Deputy General Manager (Appellate Authority) & Ors. v. Ajai Kumar Srivastava** reported in **(2021) 2 SCC 612**:

“22. The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional courts under Article 226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice and it is not akin to adjudication of the case on merits as an appellate authority which has been earlier examined by this Court in *State of T.N. v. T.V. Venugopalan* [*State of T.N. v. T.V. Venugopalan*, (1994) 6 SCC 302 : 1994 SCC (L&S) 1385] and later in *State of T.N. v. A. Rajapandian* [*State of T.N. v. A. Rajapandian*, (1995) 1 SCC 216 : 1995 SCC (L&S) 292] and further examined by the three-Judge Bench of this Court in *B.C. Chaturvedi v. Union of India* [*B.C. Chaturvedi v. Union of India*, (1995) 6 SCC 749 : 1996 SCC (L&S) 80] wherein it has been held as under: (*B.C. Chaturvedi case* [*B.C. Chaturvedi v. Union of India*, (1995) 6 SCC 749 : 1996 SCC (L&S) 80] , SCC pp. 759-60, para 13)

“13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary enquiry, the strict proof of legal evidence and findings on



that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the court/tribunal. In *Union of India v. H.C. Goel* [*Union of India v. H.C. Goel*, (1964) 4 SCR 718 : AIR 1964 SC 364] this Court held at SCR p. 728 (AIR p. 369, para 20) that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.”

24. It is thus settled that the power of judicial review, of the constitutional courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The court/tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority are perverse or suffer from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of



authority as a matter of fact.

25. When the disciplinary enquiry is conducted for the alleged misconduct against the public servant, the court is to examine and determine:

(i) whether the enquiry was held by the competent authority;

(ii) whether rules of natural justice are complied with;

(iii) whether the findings or conclusions are based on some evidence and authority has power and jurisdiction to reach finding of fact or conclusion.

27. It is true that strict rules of evidence are not applicable to departmental enquiry proceedings. However, the only requirement of law is that the allegation against the delinquent must be established by such evidence acting upon which a reasonable person acting reasonably and with objectivity may arrive at a finding upholding the gravity of the charge against the delinquent employee. It is true that mere conjecture or surmises cannot sustain the finding of guilt even in the departmental enquiry proceedings.

28. The constitutional court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is



such that no man acting reasonably and with objectivity could have arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.

41. In the case on hand, the disciplinary/appellate authority was not supposed to pass a judgment however while passing the order dated 24-7-1999, the disciplinary authority had taken note of the record of enquiry, including self-contained enquiry report dated 22-5-1999 and his prima facie opinion dated 29-6-1999 which was made available to the respondent employee and after affording reasonable opportunity of hearing and meeting out the written objections raised by the delinquent, expressed its brief reasons in upholding the finding of guilt and penalty of dismissal by its order dated 24-7-1999. That apart, the appeal preferred by the respondent delinquent was examined by the appellate authority as it reveals under paras 3(i) to (viii) in upholding the finding of guilt recorded by the enquiry officer in his report dismissing the respondent employee from service, rejected by order dated 15-11-1999. After detailed discussion, we are unable to accept the finding recorded by the High Court under its impugned judgment [*SBI v. Ajai Kumar Srivastava*, 2018 SCC OnLine All 5987] setting aside the orders passed by the disciplinary/appellate authority which deserves to be set aside.

42. Before we conclude, we need to emphasise that in banking business absolute devotion, integrity and honesty is a sine qua non for every bank employee. It requires the employee to maintain good conduct



and discipline and he deals with money of the depositors and the customers and if it is not observed, the confidence of the public/depositors would be impaired. It is for this additional reason, we are of the opinion that the High Court has committed an apparent error in setting aside the order of dismissal of the respondent dated 24-7-1999 confirmed in departmental appeal by order dated 15-11-1999.”

17. Further relied upon a judgment in the case of **Canara Bank v. V.K. Awasthy** reported in **2005 AIR SCW 2005**.

“21.Coming to the question whether the punishment awarded was disproportionate, it is to be noted that the various allegations as laid in the departmental proceedings reveal that several acts of misconduct unbecoming a bank official were committed by the respondent.

22.It is to be noted that the detailed charge sheets were served on the respondent-employee who not only submitted written reply, but also participated in the proceedings. His explanations were considered and the Inquiry Officer held the charges to have amply proved. He recommended dismissal from service. The same was accepted by the Disciplinary Authority. The proved charges clearly established that the respondent-employee failed to discharge his duties with utmost integrity, honesty, devotion and diligence and his acts were prejudicial to the interest of the bank. In the appeal before the prescribed Appellate Authority, the findings of the Inquiry



Officer were challenged. The Appellate Authority after analyzing the materials on record found no substance in the appeal.

27. In *Union of India and another v. G. Ganayutham* (1997(7) SCC 463), this Court summed up the position relating to proportionality in paragraphs 31 and 32, which read as follows: "The current position of proportionality in administrative law in England and India can be summarized as follows: "(1) To judge the validity of any administrative order or statutory discretion, normally the *Wednesbury* test is to be applied to find out if the decision was illegal or suffered from procedural improprieties or was one which no sensible decision-maker could, on the material before him and within the framework of the law, have arrived at. The court would consider whether relevant matters had not been taken into account or whether irrelevant matters had been taken into account or whether the action was not bona fide. The court would also consider whether the decision was absurd or perverse. The court would not however go into the correctness of the choice made by the administrator amongst the various alternatives open to him. Nor could the court substitute its decision to that of the administrator. This is the *Wednesbury* (1948 (1) KB 223) test. (2) The court would not interfere with the administrator's decision unless it was illegal or suffered from procedural impropriety or was irrational - in the sense that it was in outrageous defiance of logic or moral standards. The possibility of other tests, including proportionality being brought into English administrative law in future is not ruled out. These are the *CCSU* (1985 AC 374) principles. (3)(a) As



per *Bagdaycay* (1987 AC 514), *Brind* (1991(1) AC 696) and *Smith* (1996(1) All ER 257) as long as the Convention is not incorporated into English law, the English courts merely exercise a secondary judgment to find out if the decision-maker could have, on the material before him, arrived at the primary judgment in the manner he has done.(3)(b) If the Convention is incorporated in England making available the principle of proportionality, then the English courts will render primary judgment on the validity of the administrative action and find out if the restriction is disproportionate or excessive or is not based upon a fair balancing of the fundamental freedom and the need for the restriction thereupon.

(4) (a) The position in our country, in administrative law, where no fundamental freedoms as aforesaid are involved, is that the courts/tribunals will only play a secondary role while the primary judgment as to reasonableness will remain with the executive or administrative authority. The secondary judgment of the court is to be based on SC2101 *Wednesbury* and CCSU principles as stated by Lord Greene and Lord Diplock respectively to find if the executive or administrative authority has reasonably arrived at his decision as the primary authority.(4)(b) Whether in the case of administrative or executive action affecting fundamental freedoms, the courts in our country will apply the principle of 'proportionality' and assume a primary role, is left open, to be decided in an appropriate case where such action is alleged to offend fundamental freedoms. It will be then necessary to decide whether the courts will have a primary role only if the freedoms under Articles 19, 21 etc. are involved and not for Article 14.Finally, we come to the present case. It is not



contended before us that any fundamental freedom is affected. We need not therefore, go into the question of 'proportionality'. There is no contention that the punishment imposed is illegal or vitiated by procedural impropriety. As to 'irrationality', there is no finding by the Tribunal that the decision is one which no sensible person who weighed the pros and cons could have arrived at nor is there a finding, based on material, that the punishment is in 'outrageous' defiance of logic. Neither *Wednesbury* nor *CCSU* tests are satisfied. We have still to explain "*Ranjit Thakur* (1987 (4) SCC 611)".

18. Further relied upon a judgment in the case of **Regional Manager, U.P.S.R.T.C., Etawah and others v. *Hoti Lal and another*** reported in **2003 AIR SCW 801**.

"7. In *Union of India and another v. G. Ganayutham* (1997 (7) SCC 463) it was held as follows :

"The current position of proportionality in administrative law in England can be summarized as follows :

(1) To judge the validity of any administrative order or statutory discretion, normally the *SC1465 Wednesbury* test is to be applied to find out if the decision was illegal or suffered from procedural improprieties or was one which no sensible decision-maker could, on the material before him and within the framework of the law, have arrived at. The Court consider whether relevant matters had not been taken into account or whether irrelevant matters had been taken into account or whether the action was not bona fide. The Court would also consider whether the decision was absurd or perverse. The Court would not however go into the correctness of the choice made by the administrator amongst the various alternatives open to him. Nor could the Court substitute its decision to that of the administrator. This is the *Wednesbury* (1948 1 KB 223) test.

(2) The Court would not interfere with the administrator's decision unless it was illegal or



suffered from procedural impropriety or was irrational - in the sense that it was in outrageous defiance of logic or moral standards. The possibility of other tests, including proportionality being brought into English administrative law in future is not ruled out. These are the CCSU (1985 AC 374) principles.

(3)(a) As per Bugdaycay (1987 AC 514), Brind (1991 (1) AC 696) and Smith (1996 (1) All ER 257) as long as the convention is not incorporated into English law, the English Courts merely exercise a secondary judgment to find out if the decision-maker could have, on the material before him, arrived at the primary judgment in the manner he has done.

(3)(b) If the convention is incorporated in England making available the principle of proportionality, then the English Courts will render primary judgment on the validity of the administrative action and find out if the restriction is disproportionate or excessive or is not based upon a fair balancing of the fundamental freedom and the need for the restriction thereupon.

(4)(a) The position in our country, in administrative law, where no fundamental freedoms as aforesaid are involved, is that the Courts/Tribunals will only play a secondary rule while the primary judgment as to reasonableness will remain with the executive or administrative authority. The secondary judgment of the Court is to be based on Wednesbury and CCSU principles as stated by Lord Greene and Lord Diplock respectively to find if the executive or administrative authority has reasonably arrived at his decision as the primary authority.

(4)(b) Whether in the case of administrative or executive action affecting fundamental freedoms, the Courts in our country will apply the principle of "proportionality" and assume a primary role, is left open, to be decided in an appropriate case where such action is alleged to offend fundamental freedoms. It will be then necessary to decide whether the Courts will have a primary role only if the freedoms under Articles 19, 21 etc. are involved and not for Article 14.

Finally, we come to the present case. It is not contended before us that any fundamental freedom is affected. We need not therefore go into the question of "proportionality". There is no contention that the punishment imposed is illegal or vitiated by procedural impropriety. As to "irrationality", there is no finding by the Tribunal that the decision is one



which no sensible person who weighed the pros and cons could have arrived at nor is there a finding, based on material, that the punishment is in "outrageous" defiance of logic. Neither *Wednesbury* nor CCSU tests are satisfied. We have still to explain "*Ranjit Thakur* (1987 (4) SCC 611)".

In *Ranjit Thakur* this Court interfered with the punishment only after coming to the conclusion that the punishment was in outrageous defiance of logic and was shocking. It was also described as perverse and irrational. In other words, this Court felt that, on facts, *Wednesbury* and CCSU tests were satisfied. In another case, in *B. C. Chaturvedi v. Union of India* (1995 (6) SCC 49) a three-Judge Bench said the same thing as follows (SCC P. 762, Para 18):

"18 The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed SC 1466 by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed or to shorten the litigation, it may itself in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.

"Similar view was taken in *Indian Oil Corpn. Ltd. v. Ashok Kumar Arora* (1997 (3) SCC 72) that the Court will not intervene unless the punishment is wholly disproportionate.

In such a situation, unless the Court/Tribunal opines in its secondary role, that the administrator was, on the material before him, irrational according to *Wednesbury* or CCSU norms, the punishment cannot be quashed. Even then, the matter has to be remitted back to the appropriate authority for reconsideration. It is only in very rare cases as pointed out in *B. C. Chaturvedi's* case that the Court might - to shorten litigation - think of substituting its own view as to the quantum of punishment in the place of the punishment awarded by the competent authority. (In *B. C. Chaturvedi* and other cases referred to therein it has however been made clear



that the power of this Court under Article 136 is different.) For the reasons given above, the case cited for the respondent, namely State of Maharashtra v. M. H. Mazumdar (1988 (2) SCC 52) cannot be of any help."

10.It needs to be emphasized that the Court or Tribunal while dealing with the quantum of punishment has to record reasons as to why it is felt that the punishment does not commensurate with the proved charges. As has been highlighted in several cases to which reference has been made above, the scope for interference is very limited and restricted to exceptional cases in the indicated circumstances. Unfortunately, in the present case as the quoted extracts of the High Court's order would go to show, no reasons whatsoever have been indicated as to why the punishment was considered disproportionate. Reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at. Failure to give reasons amounts to denial of justice. (See Alexander Machinery Dudley Ltd. v. Crabtree (1974 LCR 120). A mere statement that it is disproportionate would not suffice. A party appearing before a Court, as to what it is that the Court is addressing its mind. It is not only the amount involved but the mental set up, the type of duty performed and similar relevant circumstances which go into the decision-making process while considering whether the punishment is proportionate or disproportionate. If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct



in such cases has to be dealt with iron hands. Where the person deals with public money or is engaged in financial transactions or acts in a fiduciary capacity, highest degree of integrity and trust-worthiness is must and unexceptionable. Judged in that background, conclusions of the Division Bench of the High Court do not appear to be proper. We set aside the same and restore order of learned single Judge upholding order of dismissal.

19. Further relied upon a judgment in the case of **Chairman and Managing Director, United Commercial Bank & Ors. v. P.C. Kakkar** reported in **2003 AIR SCW 944**.

“14. A Bank Officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the Bank is required to take all possible steps to protect the interests of the Bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a Bank officer, Good conduct and discipline are inseparable from the functioning of every officer/employee of the Bank. As was observed by this Court in Disciplinary Authority-cum-Regional Manager v. Nikunja Bihari Patnaik, 1996 (9) SCC 69, it is no defence available to say that there was no loss or profit resulted in case, when the officer/employee acted without authority. The very discipline of an organization more particularly a Bank is dependent upon each of its officers and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and is a misconduct. The charges against the employee were not casual in nature and were serious. These aspects do not appear to have been kept in view by the High Court.

20. Learned counsel for the Bank has submits that the Board of the Bank has approved the policy on impalement of



External Inquiring Authorities pursuant to amendment of Regulation 6(2) of Union Bank of India Officer Employees’ (Discipline & Appeal) Regulations, 1976 circulated vide Staff Circular No.4773 dated 21.09.2001 by which the Bank has been appointing retired Officers/ Executives for conducting departmental inquiries to ensure timely completion of inquiry proceedings initiated against Officers of the Bank and pursuant to that circular of the Bank, retired DGM has been appointed as Enquiry Officer in the present case.

21. In view of the settled legal position as reported in **(2021) 2 SCC 612** (supra) this Court held that the entire departmental proceeding was conducted against the petitioner in accordance with law and ample opportunity was given to the petitioner to defend his case and principle of natural justice also complied with and there is no procedural irregularities in the departmental proceeding. No merit in the writ petition. Accordingly, writ petition is dismissed.

(Rajesh Kumar Verma, J)

Prakash Narayan

AFR/NAFR	NAFR
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