

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5429 of 2020

Shyama Nand Singh Son of Late Mahabir Singh Resident of Ward No.08,
Birpur, Basantpur, P.S. Birpur, Dist- Supaul, Bihar, Pin- 854340.

... .. Petitioner/s

Versus

1. The State Bank of India through the Chairman, State Bank of India, Corporate Centre, Madame Cama Road, Mumbai- 400021.
2. The Appellate Authority and Chief General Manager, State Bank of India, Local Head Office, West Gandhi Maidan, Patna- 800001.
3. The General Manager (Network-III) and Appointing Authority, State Bank of India, Local Head Office, West Gandhi Maidan, Patna- 800001.
4. The Chief General Manager (HR), State Bank of India, Corporate Centre, Madame Cama Road, Mumbai- 400021.
5. The Chief General Manager (MCG-II), State Bank of India, Corporate Centre, Madame Cama Road, Mumbai- 400021.
6. The Chief General Manager (MGG-III), State Bank of India, Corporate Centre, Madame Cama Road, Mumbai- 400021.
7. The Deputy General Manager (B and O), State Bank of India, Administrative Office, Purnea, Bihar.
8. The Deputy General Manager (Appeal and Review), State Bank of India, Corporate Centre, Madame Cama Road, Mumbai- 400021.
9. The Regional Manager, State Bank of India, Regional Business Office, Madhubani, Bihar.
10. The Regional Manager, State Bank of India, Regional Business Office, Saharsa, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Krishna Singh, Adv.
For the Respondent/s : Mr. Sanjiv Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-07-2025

This Court has heard Mr Bipin Krishna Singh,
learned Advocate for the petitioner and Mr. Sanjiv Kumar,
learned Advocate for the State Bank of India.

2. The challenge made in the present writ petition is
to the order dated 22.08.2016 contained in Letter No.
VIG/Gen/VK/173 issued under the signature of the General



Manager & Appointing Authority, whereby the petitioner has been awarded the punishment of dismissal from service in terms of Rule 67(j) of the State Bank of India Officers' Service Rules, 1992 with further direction that the period of suspension will not be treated on duty. The appeal preferred by the petitioner against the original order also came to be rejected vide letter bearing No. HR/A&R/2919 dated 16.12.2016; and further the review petition filed by the petitioner also rejected by the Reviewing Authority, as conveyed vide letter bearing No. 638 dated 03.10.2017, which are also put to challenge in the present writ petition.

3. The brief facts, as culled out from the materials available on record, are as follows:

(i) The petitioner joined the service of the State Bank of India on 26.12.1985 as Clerk-cum-Cashier. After serving so many years, the petitioner was promoted to officer cadre in JMGS-I and further in MMGS-II as also MMGS-III in the officer cadre of the respondent Bank.

(ii) While the petitioner was posted as Branch Manager at Laukaha Branch during 16.09.2014 to 08.04.2015 and at Simrahi Bazar Branch during 01.06.2010 to 30.09.2011, the petitioner was allegedly found indulge in official



irregularities as well as misdeeds with dishonest intention, prejudicial to the Bank's interest and its credentials and goodwill, causing pecuniary loss to it. There was further allegation, *inter alia*, that he put hold on the entire balance in the respective savings bank account of two customers after disbursement of loan with intention to compel them to visit the Branch to pay illegal gratification. Customers were also misbehaved and mishandled by the petitioner and other officials and after extracting illegal gratification, hold on account was removed. To destroy the evidence of misdeeds, the petitioner replaced the digital video recorder system of CCTV camera.

(iii) Taking cognizance of the aforesaid act, an internal investigation was carried out; on being found the imputation *prima facie* true, the disciplinary authority vide his letter dated 09.07.2015 placed the petitioner under suspension in contemplation of the disciplinary proceeding. A memo of charge along with list of documents as contained in Annexure-13 to the writ petition were duly served and the petitioner was asked to submit his written statement of defence. On being found the explanation not worth consideration, the disciplinary enquiry proceeded further and the enquiry officer as also the presenting officer were appointed. After completion of the enquiry, the



enquiry officer submitted his enquiry report dated 23.05.2016, copy of which is marked as Annexure-14 to the writ petition.

(iv) The allegation in relation to Laukaha Branch charge Nos. 1 to 6, 8 and 10 to 13 stood proved. Further the allegation pertaining to Simrahi Branch, charge Nos. 1 to 3 and 5 stood proved. On receipt of the enquiry report, the disciplinary authority issued second show cause notice along with enquiry report to the petitioner, directing him to submit his response. Finally the disciplinary authority upon being not satisfied with the explanation tendered by the petitioner and upon agreeing with the finding of the enquiry officer inflicted the punishment of dismissal from service and further directed his period of suspension to be treated as not on duty.

(v) Aggrieved with the afore noted impugned order, the petitioner preferred appeal which was rejected by the Appellate Authority cum Chief General Manager (Annexure-2 to the writ petition). Dissatisfied with the order, the petitioner submitted review petition before the Reviewing Authority. However, the same was also rejected vide order dated 21.07.2017 (Annexure-3 to the writ petition).

4. Learned Advocate for the petitioner Mr. Bipin Krishna Singh taking this Court through the relevant



prescriptions of the State Bank of India Officers' Service Rules, 1992 especially Rule 68(2)(iii) contended that the disciplinary authority was obligated to frame definite and distinct charges on the basis of the allegations against the officer and the article of charge, together with a statement of the allegations on which they are based, list of documents and witnesses relied upon and as far as possible, copies of such documents and statements of witnesses, if any, shall be communicated in writing. However memo of charge clearly suggests that it does not have the list of witnesses; nonetheless, during the course of enquiry 9 prosecution witnesses were presented in the enquiry. Moreover, at no point of time, the necessary witnesses were produced to prove the documents and, as such, the petitioner is deprived from examination and cross examination. Reliance has also been placed on a decision rendered by the Apex Court in the case of ***Roop Singh Negi v. Punjab National Bank & Ors. [(2009) 2 SCC 570]***, as also ***State of U.P. & Ors. Vs. Saroj Kumar Sinha [(2010) 2 SCC 772]***.

5. The very initiation of the disciplinary proceeding after keeping the petitioner under suspension and submitting the memo of charge beyond the period of three months clearly smacks *malafide*. The entire disciplinary proceeding against the



petitioner was conducted in a slipshod manner and the enquiring authority having played a partisan role did not function as an independent quasi judicial authority, inasmuch as, the relevant documents demanded by the defence were not provided. The enquiry officer has travelled beyond the charge sheet to hold certain allegation is proved. Subsequently the enquiry was concluded *ex parte* in absence of the petitioner and thus serious prejudice has been caused to the rights and entitlement of the petitioner. Referring to the order of punishment, it is further contended that in no circumstances it can be said to be speaking order and the allegations have been held to be proved as *ipse dixit* manner. The order is not in conformity with the observation of the learned Division Bench in the case of ***Chandradip Sinha v. The State of Bihar & Ors.***[2000(3) ***PLJR*** 64], wherein the Court observed: “*it is not expected that the disciplinary authority should write a judgment in the same manner as courts do, but an order imposing punishment under Rule 55-A of the Rules must at least disclose the application of mind by the disciplinary authority to the fact of the case and the reasons for conclusion reached, even though they may be stated briefly*”. Reliance has also been placed on a decision in ***Kuldeep Singh Vs. Commissioner of Police & Ors*** [(1999) 2 ***SCC*** 10].



6. The appellate authority has also failed to exercise his coextensive power to re-appreciate the evidence or the nature of punishment. The appellate authority ought to have considered whether findings were justified and/or whether the penalty was excessive or inadequate. To emphasize the submission afore noted, reliance has also been placed on a three-judge Bench decision of the Hon'ble Supreme Court in the case of *B.C. Chaturvedi v. Union of India & Ors. [(1995) 6 SCC 749]*.

7. It is also urged that with respect to the charges, an FIR was also instituted against the petitioner and others but others have been set off by giving minor punishment whereas discrimination has been caused to the the petitioner and he has been inflicted with harsh punishment, despite the petitioner having unblemished service career spending more than 30 years without there being any complaint against him.

8. Mr. Singh, learned Advocate for the petitioner further contended that even the order of review, the Reviewing Authority does not show any application of mind and has failed to consider the submission of PW-6 (the alleged complainant) namely, Rabi Nath Jha, that the petitioner was not present in the Bank at the time of incidence. It is lastly contended that the



petitioner has been visited with harsh punishment which has robbed him of his terminal benefit in his final year of his service; all the more the petitioner had an unblemished career.

9. On the other hand, Mr. Sanjiv Kumar, learned Advocate representing the State Bank of India refuted the contention of the learned Advocate for the petitioner and submitted at the outset that the order of the reviewing authority was communicated to the petitioner on 03.10.2017 but the present writ petition was filed on 25.02.2020, after a delay of two and a half years. Referring to a Bench decision of this Court in the case of *Ashok Kumar Ojha vs. The State of Bihar & Ors.* [2023 (6) BLJ 537], it is submitted that the Court relying upon the judgment of the Hon'ble Supreme Court in the case of *P.S. Sadasivaswamy vs State of Tamil Nadu* [(1975) 1 SCC 152] held that in a case relating to service matter/promotion matter, an aggrieved person should approach the Court at least within six months or at the most a year of the arising of the cause of action. Taking this Court through the charges, he further contended that all the charges are distinct and specific that the petitioner committed financial irregularities and misconduct with dishonest intention in a manner highly prejudicial to the Bank's interest and causing pecuniary loss to



it; besides the acceptance of illegal gratification from a customer.

10. Referring to Annexure-R/1 to the counter affidavit, learned Advocate for the Bank controverted the submission of the petitioner that he was not supplied complete list of documents and copies thereof. All the documents relied upon by the prosecution as well as the documents demanded by the petitioner have been provided by the presenting officer to him during enquiry, as is evident from Annexure-R/2 of the counter affidavit. It is the contention of the learned Advocate for the Bank that during the entire enquiry, the petitioner or in case of his absence, his defence counsel was present on each date, except on 19.04.2016, irrespective of the full knowledge of the scheduled date. The enquiry proceeding register clearly falsified the allegation of non communication, rather the petitioner has all along been informed about the next date of hearing by the enquiry officer through letter and sms; moreover the petitioner has never produced any medical report of his illness. In course of enquiry; the charges were found proved and based upon the same, the petitioner was inflicted with the punishment by giving proper opportunity to him, considering his explanation. In this regard, learned Advocate for the Bank



referred to a decision in the case of ***Boloram Bordoloi vs Lakhimi Gaolia Bank & Ors. [(2021) 3 SCC 806]*** to the effect that if the punishment imposed is based upon the finding recorded by the enquiry report, no further elaborate reasons are required by the disciplinary authority/appellate authority.

11. Taking further this Court through the record, it is further contended that in course of enquiry, the petitioner was also afforded opportunity to cross examine the witnesses but the defence counsel engaged by him waived of his right to cross examine the witnesses, which fact is evident from the enquiry proceeding register as well as the enquiry report. He lastly contended that the employee of the Bank is required to take all possible steps to protect the interest of the Bank and discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a Bank officer as he deals with money of the depositors. To reinforce the aforesaid submission, reliance has been placed on a decision of the Apex Court in the case of ***State Bank Of India & Ors vs Ramesh Dinkar Punde [(2006) 7 SCC 212]***.

12. Before this Court proceeds further, it would be pertinent to summarize the observations made by the Apex Court in various cases which emphasized the role of a Bank



employee. In ***Union Bank Of India vs Vishwa Mohan [(1998) 4 SCC 310]*** the Hon'ble Supreme Court observed that: *"It needs to be emphasised that in the banking business absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee and in particular the bank officer. If this is not observed, the confidence of the public/depositors would be impaired"*.

13. Reiterating the aforesaid observation in the case of ***Chairman and Managing Director, United Commercial Bank & Ors vs. P.C.Kakkar [(2003) 4 SCC 364]***, the Hon'ble Supreme Court held as under:

"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.”

14. It would be worth benefiting to quote the relevant extract of the decision rendered in the case of ***Regional Manager, U.P.S.R.T.C, Etawah & Ors. vs Hoti Lal & Anr [(2003) 3 SCC 605]*** where the Court noted as under:

“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 trustworthiness is must and unexceptionable.”

15. Indubitably a Bank officer, who is engaged in public business dealing with money of the depositors and customers, in all circumstances, is obliged to protect the interest of the Bank and discharge his duty with utmost honesty and diligence so that the confidence of the public/depositors would not be shaken and impaired.

16. Coming to the case in hand, after hearing the learned Advocates for the respective parties, and meticulously examined the record, this Court finds that the imputation



levelled against the petitioner under memo of charge are specific and on being asked, the petitioner has submitted his written statement of defence. The defence documents submitted on behalf of the petitioner were also accepted and marked as Exhibit (Defence Exhibit No. 1 to Defence Exhibit No 7). However, he did not press to produce any witness as a witness on his behalf. Even if it is accepted that the memo of charge does not contain list of any witnesses, nonetheless, nine witnesses were produced by the presenting officer on behalf of the Bank and the record clearly suggests that all the time the petitioner was offered to cross examine him or them. However, the petitioner or his defence counsel has never chosen to cross examine them. Hence the plea of the petitioner that there is no list of witness and he has been deprived from cross examination does not sustain. In the aforesaid premise, the decision of the Apex Court in **Roop Singh Negi** (supra) and **Saroj Kumar Sinha** (supra), would not be applicable on this issue.

17. Further the contention of the petitioner that the required document has not been handed over to him in course of enquiry and thereby he has not been afforded opportunity of hearing also does not find substantiated. The enquiry proceeding register, especially Anneuxre-R/2 of the counter affidavit at P-



43 and 47 and 55, clearly suggests that the acknowledgment has been made on behalf of the petitioner showing receipt of the documents. Moreover, except sweeping allegation, it has not been disclosed that in absence of those documents what prejudice has been caused to him. Mere non supply of the documents which may not have resulted any prejudice caused to the employee, the order passed by the disciplinary authority cannot be faulted. It would be worth benefiting to extract the relevant observation of the Apex Court in the case of ***S. Janaki Iyer Vs. Union of India & Ors.***[2025 SCC OnLine SC 1179]

“21. No prejudice having been caused because of the non-supply of the preliminary Inquiry Report to the Appellant, the plea of violation of the principles of natural justice would not be available to the Appellant. As a matter of principle, violation of the principles of justice cannot be on the touchstone of technical infringement made the basis of setting aside the action taken by the authority against an employee unless it is established that grave prejudice has been caused to an employee because of non-supply of a particular document. Nothing has also come on record which would indicate that the Appellant had ever sought for the Preliminary Inquiry Report after the issuance of the chargesheet. Similar would be the position with regard to the other documents also which are alleged to have not been supplied to her as the nature and extent of disadvantage or handicap caused or suffered by the Appellant, in the absence of the documents, is missing in the departmental proceedings or the



pleadings.

22. No grounds have been laid down indicating the prejudice which has been caused to her either during the inquiry or at the stage of projecting her response to the show cause notice given by the disciplinary authority. Mere assertion that some documents have not been supplied or even mentioning the said documents would not be enough unless the consequential prejudice which would or has been caused to a delinquent employee is put forth.

23. The Court is not bound to simply accept an assertion of a delinquent employee and proceed to question the disciplinary proceedings without being satisfied with regard to any prejudice having been caused to the employee.”

18. The enquiry proceeding register, copy of which is also placed on record by the Bank, also demonstrates that the petitioner or his defence counsel had all along been put to notice of the scheduled date. Thus even in the full knowledge or notice if the delinquent or defence counsel failed to appear, no blame could have been fastened to the Bank. The documentary evidence as well as witnesses have been examined in presence of the petitioner or his defence counsel but none of them raised any comment or bothered to cross examine the witnesses and this fact has taken note of in the enquiry proceeding by the enquiry officer. Except the charge of manhandling and assaulting the complaint, all of them are based on documentary



evidence. At this stage, it would be relevant to quote the unparalleled and inimitable expressions summed up by the living legend Mr. V.R. Krishna Iyer, J. in ***State Of Haryana and Anr. vs Rattan Singh [(1977) 2 SCC 491]***

“4.in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and Administrative Tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act. For this proposition it is not necessary to cite decisions nor text books, although we have been taken through case-law and other authorities by counsel on both sides. The essence of a judicial approach is objectivity, exclusion of extraneous materials or considerations and observance of rules of natural justice. Of course, fair play is the basis and if perversity or arbitrariness, bias or surrender of independence of judgment vitiate the conclusions reached, such finding, even though of a domestic tribunal, cannot be held good.”

19. The finding of the enquiry officer is based upon the material evidences brought through the documentary evidence and the witnesses who have also supported the charges. Hence the finding returned by the enquiry officer that the charges levelled against the petitioner stood proved cannot



be said to be based upon no evidence.

20. It has rightly been observed by the Apex Court in the case of ***State Of Karnataka & Anr. vs N.Gangaraj [(2020) 3 SCC 423]*** that the power of judicial review conferred on the constitutional court is not that of appellate authority but is only confined to the decision making process. The courts have been reminded that it ought not interfere with the conclusion of the disciplinary authority unless finding is not supported by any evidence or it can be said that no reasonable person could have reached such a finding.

21. In the case of ***State Of Andhra Pradesh & Ors. vs S. Sree Rama Rao [(AIR 1963 SC 1723)]*** it has been ruled that the the High Court is not constituted in a proceeding under Article 226 of the Constitution a Court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is



guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 of the Constitution to review the evidence and to arrive at an independent finding on the evidence.

22. The petitioner has also failed to point out any material infirmities in the enquiry or he was subjected to biasness and *malafide*. What is utmost required is that the departmental enquiry had to be conducted in accordance with rule of natural justice. It is a basic requirement that an employee be given reasonable opportunity of being heard of any proceeding which may culminate in punishment being imposed on the employee.

23. Now coming to the impugned order, this Court does not find that the same is not a speaking and reasoned order, rather it is based upon the enquiry report and further it has also dealt with explanation of the petitioner with the conclusion as to why the finding of the enquiry officer stands accepted. This Court also does not find any infirmity in the appellate order who precisely discussed the grounds taken by the delinquent before affirming the order of dismissal from service. Similarly the reviewing authority has also taken note of his submission and on being found no cogent reason to review afore noted orders,



rejected the review petition.

24. Reliance placed by the learned Advocate for the Bank finds merit as the Apex Court in the case of ***Boloram Bordoli*** (supra) has observed that if the disciplinary authority accepts the findings recorded by the enquiry officer and passes an order, no detailed reasons are required to be recorded in the order imposing punishment. The punishment is imposed based upon the finding recorded in the enquiry report, as such, no further elaborate reasons are required to be given by the disciplinary authority. While examining the challenge made by the appellant Bank Manager against his punishment of compulsory retirement, the Apex Court in its penultimate paragraph held that the Manager of the Bank plays a vital role in managing the affairs of the Bank. A Bank officers/employee deals with the public money. The nature of his work demands vigilance with the in-built requirement to act carefully. If the officer is right to act beyond his authority, the discipline of the bank will disappear and will lead to erosion of public trust on the Banks.

25. In the case in hand, it is evident from the memo of charge and the findings of the enquiry officer that the charges against the petitioner are grave and serious. This Court has also



gone through the deposition of the complainant who categorically supported the allegation of demand of gratification and mishandling which is not only serious in nature but to constitute a grave misconduct and unbecoming of any Bank officer. Hence, when the bank officers commit misconduct for his personal end and against the interest of the Bank and the depositors, they must be dealt with iron hands and not leniently. Accordingly, this Court does not find any infirmity in the impugned orders. It is no defence available to say that there was no loss or profit resulted in case, when the act of the delinquent constitutes the misconduct and action was found to be without authority.

26. So far the contention of the petitioner that other officers, who have also been subjected to judicial and disciplinary proceeding, they have been set off with lesser punishment, also does not persuade this Court for the simple reason, the petitioner being a Branch Head, cannot absolve from his liability by accusing Field Officers, who have also been punished appropriately in proportionate to his proved charges based upon the materials available on record.

27. Before parting with the case, it would also be relevant to take note of the fact that the impugned orders were



came to be passed in the year 2016-17, but the present writ petition has been filed after a delay of more than two years without there being any cogent explanation that for the reasons beyond his control, he could not approach the Court within a reasonable time. In the case of *P.S. Sadasivaswamy* (supra) the Court had emphasized that in a service matter/promotion matter, the aggrieved person should approach the Court within a reasonable period of time or at the most a year of the arising of the cause of action, failing which the Courts may refuse to exercise their extraordinary power under Article 226 of the Constitution.

28. On all these counts, the writ petition lacks merit and accordingly the same stands dismissed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.07.2025
Transmission Date	

