IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15325 of 2013

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Janardan Sharma Son Of Sri Sheo Narayan Sharma Resident Of Mohalla - Lakhibagh, P.S. Muffasil, District - Gaya

... ... Petitioner/s

Versus

1. The United Commercial Bank, Zonal Office, Personnel Department, Maurya Complex, New Dak Bunglow Road, Patna 800001
2. The Assistant General Manager, UCO Bank, Zonal Office, Personnel Department, Maurya Complex, New Dak Bungalow Road, Patna 800001
3. The General Manager Personnel Services Cum Appellate Authority, Head Office, Personnel Services Department, UCO Bank DD Block, Sector 1, Salt Lake City, Kolkata 700064, West Bengal
4. The Zonal Manager Disciplinary Authority Uco Bank, Zonal Office Maurya Lok Complex, New Dak Bunglow Road, Patna 800001
5. The Enquiry Officer Cum Senior Manager Cr. Minority Department Uco Bank, Zonal Office, Maurya Lok Complex , New Dak Bunglow Road, Patna 800001
6. The Branch Manager Uco Bank Buniadganj Branch, Gaya

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2, Advocate

For the Respondent/s : Ms. Sheela Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

C.A.V. JUDGMENT

Date : 08-07-2025

Heard learned counsel for the petitioner and learned counsel for the UCO Bank

2. The present writ petition has been filed seeking quashing of the punishment order dated 01.02.2012 passed by the Disciplinary Authority (Respondent No. 4) reducing the basic pay of the petitioner by two stages (Annexure-1 to the writ

petition), and the order dated 27.02.2013 (Annexure-1/A to the writ petition) passed by the Appellate Authority (Respondent No. 3), upholding the punishment.

3. Learned counsel for the petitioner submits that during petitioner's posting at Buniad Ganj Branch, Gaya, had sought a loan of ₹2,00,000/- for his daughter's marriage. He executed security documents, including NSCs of ₹1,02,000/- (Rupees One Lac Two Thousand), on the verbal direction of the then Branch Manager. On 14.10.2004, ₹1,00,000/- (Rupees One Lac) was credited to his loan account, and upon further request, ₹51,000/-(Rupees Fifty One Thousand) was credited on 16.10.2004. The said amount was later altered to ₹91,000/- (Rupees Ninety One Thousand) allegedly by bank staff. The petitioner further submits that he merely signed blank loan forms which were filled up by the bank personnel and had no role in the disbursal or alteration.

4. Learned counsel further submits that the petitioner received a show cause notice dated 08.05.2009 from the Assistant General Manager (Respondent No. 2), stating that a loan amount of ₹1,91,000/- (Rupees One Lac Ninety Thousand) had been credited to the petitioner's account, out of which ₹94,688/- (Rupees Ninety Four Thousand Six Hundred Eighty

Eight) remained outstanding, and NSCs worth ₹21,000/- (Rupees Twenty One Thousand) were still pledged with the Bank. The petitioner was asked to explain how the sanctioned loan amount of ₹51,000/- (Rupees Fifty One Thousand) came to be altered to ₹91,000/- (Rupees Ninety One Thousand) and why he availed the said excess amount through fraudulent alteration for unlawful gain.

5. It is submitted that the petitioner furnished his explanation to the Assistant General Manager and immediately deposited ₹70,000/- (Rupees Seventy Thousand), with a further request to allow time for the balance repayment, while asserting that the Bank had not suffered any actual loss. Counsel also submits that the loan amount of ₹1,90,000/- (Rupees One Lac Ninety Thousand) was disbursed in the petitioner's account on the instruction of superior officials, and the petitioner, being a Clerk, had no role either in the sanctioning or disbursement of the loan, nor in the alleged alteration of the figures. Despite the explanation, the Bank was not satisfied and issued a chargesheet vide letter No. 995 dated 25.01.2010 containing two allegations: (i) That the petitioner fraudulently altered the sanctioned loan amount of ₹51,000/- (Rupees Fifty Thousand) to ₹91,000/- (Rupees Ninety One Thousand) and availed the same against

NSCs on 16.10.2004, although all the loan documents signed by him pertained to ₹51,000/- (Rupees Fifty One Thousand); and (ii) That the petitioner failed to take proper steps to adjust the loan account, particularly when the outstanding loan amount exceeded the security value of the NSCs, and adjusted the loan belatedly on 02.07.2009, only to evade departmental action.

6. Learned counsel for the petitioner further submits that such conduct amounted to gross misconduct under Clause 5(j) of the Memorandum of settlement dated 10.04.2002. The petitioner was directed to submit his explanation to the charges, which he did before the Assistant General Manager. The departmental enquiry commenced on 25.01.2010 in the presence of the Presenting Officer. Upon consideration of 22 documents, the Enquiry Officer submitted his report dated 23.04.2011, concluding that both charges were not proved against the petitioner beyond reasonable doubt. However, the Disciplinary Authority issued a dissent note on 03.09.2011, holding that the charges stood proved as the petitioner had availed a loan in excess of the sanctioned limit and beyond the security offered. The petitioner was served with a copy of the dissent note and was asked to submit his comments. He appeared for a personal hearing before the Disciplinary Authority and explained his

position in detail, asserting his innocence. Despite this, by final order dated 01.02.2012, the Disciplinary Authority imposed punishment by reducing the petitioner's basic pay by two stages in the time scale. Being aggrieved by the said punishment, the petitioner preferred an appeal, which was also rejected by the Appellate Authority vide order dated 27.02.2013, upholding the punishment order dated 01.02.2012.

7. Learned counsel for the petitioner further submits that there are multiple lacunae in the departmental proceedings: (i) the dissent note was not properly furnished to the petitioner; (ii) the Bank did not suffer any financial loss; (iii) the entire amount was ultimately refunded by the petitioner; and (iv) the principle of double jeopardy has been violated, as the petitioner was penalized even after repaying the entire loan amount. It is further argued that the findings of the Enquiry Officer, which clearly stated that the charges were not proved, were completely overlooked by the Disciplinary Authority. The entire disciplinary proceedings are thus vitiated by procedural irregularity, violation of principles of natural justice, and the punishment imposed is excessive, warranting interference by this Hon'ble Court.

8. On the other hand, learned counsel for the

respondent-Bank submits that by filing the present writ petition, the petitioner has invoked the writ jurisdiction of this Hon'ble Court under the doctrine of judicial review, the scope of which is extremely limited, particularly in matters concerning disciplinary proceedings. It is submitted that the disciplinary process followed by the respondent-Bank was fair, reasonable, and in full compliance with the law, and there was no procedural irregularity or violation of the principles of natural justice at any stage of the proceedings. Learned counsel for the respondent further submits that the sanctioned loan amount in favour of the petitioner was only ₹51,000/- (Rupees Fifty One Thousand), as clearly established from the memorandum of charges and the related credit & debit vouchers. However, the petitioner, through interpolation or alteration, managed to get ₹91,000/- (Rupees Ninety One Thousand) credited to his account in 2004. It is pointed out that the said excess amount was not refunded by the petitioner until the Bank issued a show cause notice in 2009. Until then, the petitioner remained silent, thereby indicating his complicity and benefit from the unauthorized disbursal. In this context, counsel emphasizes that under Clause 5(j) of the Memorandum of Settlement dated 10.04.2002, any act or omission that is likely to cause loss to the

Bank, even if no actual financial loss occurs, constitutes gross misconduct. In the present case, although the Bank may not have suffered an actual loss, the petitioner's actions rendered the Bank vulnerable to risk, and therefore, his conduct squarely falls within the ambit of gross misconduct, warranting major punishment.

9. Learned counsel for the respondent -Bank further submits that considering the overall circumstances and in a sympathetic view, the Bank refrained from imposing harsh penalties such as dismissal or removal from service. Instead, the punishment was restricted to reduction of basic pay by two stages, which, according to the Bank, is both justified and proportionate.

10. After perusing the materials on record and hearing the submissions of both parties, this Court specifically questioned the petitioner regarding the sanctioned amount of the loan availed by him. In response, learned counsel for the petitioner submitted that the petitioner had been sanctioned an amount of ₹2,00,000/- (Rupees Two Lac). However, on scrutiny, it is evident that neither the pleadings nor any documentary evidence supports the claim that a sum of ₹2,00,000/- (Rupees Two Lac) was ever sanctioned to the

petitioner. It is true that the petitioner had made a request for sanction of ₹2,00,000/- (Rupees Two Lac), as evident from Annexure-5, but in reality, only a sum of ₹1,00,000/- (Rupees One Lac) was initially sanctioned and disbursed (Annexure-4), followed by a further sanction of ₹51,000/- (Rupees Fifty Thousand) through a proper sanction letter (Annexure-6). However, the disbursal voucher dated 16.10.2004, which should have reflected ₹51,000/- (Rupees Fifty Thousand), instead shows an amount of ₹91,000/- (Rupees Ninety One Thousand), clearly indicating interpolation and overwriting, whereby the figure of ₹51,000/- (Rupees Fifty Thousand) was altered to ₹91,000/- (Rupees Ninety One Thousand). The show cause notice was issued only on 08.05.2009, despite the alleged alteration having occurred in October 2004. The dissent note issued by the Assistant General Manager clearly indicates that the petitioner was the beneficiary of this additional amount and remained silent for over four and a half years, until confronted with the show cause notice. The petitioner did not voluntarily disclose the discrepancy at any prior stage.

11. In view of the above, it clearly emerges that the core plea of the petitioner that a loan of ₹2,00,000/- had been sanctioned to him is factually incorrect. Upon examining the

dissent note and the relevant documents, this Court finds that there is no illegality or perversity in the findings recorded by the Disciplinary Authority and the Deputy General Manager (DGM). Accordingly, no interference is warranted by this Court in the disciplinary action taken against the petitioner.

12.. In a very recent judgment, the Hon'ble Supreme Court of India in the case of *Airports Authority of India vs. Pradip Kumar Banerjee*, reported in (2025) 4 SCC 111, has held that in disciplinary proceedings, it is not necessary for the Disciplinary Authority to deal with each and every proposed penalty in detail, nor is it mandatory to record elaborate reasons while imposing punishment. The Court clarified that the Disciplinary Authority is only expected to examine the evidence on record and arrive at a reasoned conclusion as to the guilt of the delinquent employee, based on the principle of preponderance of probabilities. The specific findings of the Hon'ble Supreme Court in this regard have been elaborated in paragraphs 34 to 38 of the aforesaid judgment, wherein the Court reiterated that judicial review in such matters does not extend to re-appreciation of evidence or substitution of the penalty unless it is shockingly disproportionate or perverse, which reads as under :-

"**34.** The Division Bench in the impugned judgment [*Pradip Kumar Banerjee* v. *AAI*, 2012 SCC OnLine Cal 2248] , further observed that the disciplinary authority and the appellate authority did not consider the representation of the respondent and acted without application of mind while imposing the penalty of dismissal from service against the respondent. On a perusal of the orders passed by the disciplinary authority and the appellate authority, we find that the representation submitted by the respondent has been duly adverted to and objectively considered by both the authorities and the same were found to be devoid of substance.

35. It is trite law that in disciplinary proceedings, it is not necessary for the disciplinary authority to deal with each and every ground raised by the delinquent officer in the representation against the proposed penalty and detailed reasons are not required to be recorded in the order imposing punishment if he accepts the findings recorded by the Enquiry Officer. Our view stands fortified by the decision of this Court in *Boloram Bordoloi* v. *Lakhimi Gaolia Bank* [*Boloram Bordoloi* v. *Lakhimi Gaolia Bank*, (2021) 3 SCC 806 : (2021) 1 SCC (L&S) 624] , wherein it was held : (SCC p. 810, para 11)

"*11*. … Further, it is well settled 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 on the findings recorded in the enquiry report, as such, no further elaborate reasons are required to be given by the disciplinary authority."

36. All that is required on the part of the disciplinary authority is that it should examine the evidence in the disciplinary proceedings and arrive at a reasoned conclusion that the material placed on record during the course of enquiry establishes the guilt of the delinquent employee on the principle of preponderance of probabilities. This is precisely what was done by the disciplinary authority and the appellate authority while dealing with the case of the respondent.

37. In our considered view, the Division Bench fell into grave error in substituting the standard of proof required in a criminal trial vis-à-vis the disciplinary enquiry conducted by the employer. It is a settled principle of law that the burden laid upon the prosecution in a criminal trial is to prove the case beyond reasonable doubt. However, in a disciplinary enquiry, the burden upon the department is limited and it is required to prove its case on the principle of preponderance of probabilities.

38. In this regard, we are benefitted by the judgment of this Court in *Union of India* v. *Sardar Bahadur* [*Union of India* v. *Sardar Bahadur*, (1972) 4 SCC 618] , wherein this Court held as follows : (SCC p. 623, para 15)

"*15.* … A disciplinary proceeding is not a criminal trial. The standard proof required is that of preponderance of probability and not proof beyond reasonable doubt. If the inference that Nand Kumar was a person likely to have official dealings with the respondent was one which a reasonable person would draw from the proved facts of the case, the High Court cannot sit as a court of appeal over a decision based on it. Where there are

> some relevant materials which the authority has accepted and which materials may reasonably support the conclusion that the officer is guilty, it is not the function of the High Court exercising its jurisdiction under Article 226 to review the materials and to arrive at an independent finding on the materials. If the enquiry has been properly held the question of adequacy or reliability of the evidence cannot be canvassed before the High Court…."

13. In light of the discussions made hereinabove and for the reasons assigned, this Court finds that the claim of the petitioner regarding sanction of ₹2,00,000/-(Rupees Two Lac) is not supported by any material on record. It is evident that such an amount was never sanctioned to him. While it is true that the Bank did not suffer any actual financial loss, it is equally true that the petitioner, being a direct beneficiary of the excess amount disbursed, remained silent for almost five years, and refunded the amount only after issuance of the show cause notice. This Court also finds that the contention regarding double jeopardy is misconceived and misplaced, as the said principle is not applicable in the present factual or legal context. Further, the record clearly reveals that the petitioner was granted adequate opportunity in respect of the dissent note. The dissent note dated 03.09.2011 (Annexure-15) was duly communicated to the petitioner, and he was called upon to submit his comments vide communication dated 13.09.2011 (Annexure-16 to the writ

petition), which he duly replied to. Thereafter, a show cause notice on the proposed punishment was issued on 30.01.2012, and only thereafter the final order was passed by the Disciplinary Authority on 01.02.2012 (Annexure-1 to the writ petition). It also emerges that the Appellate Authority has independently examined the matter, including the chargesheet, the reply, the order passed by the Disciplinary Authority, and the memorandum of appeal, and found no infirmity.

14. In view of the submissions made, the documents produced, and the law laid down by the Hon'ble Supreme Court in *Airports Authority of India v. Pradip Kumar Banerjee* [(2025) 4 SCC 111], this Court is of the considered view that there is no violation of principles of natural justice, no procedural irregularity, and the punishment imposed is not disproportionate to the gravity of the misconduct.

15. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	AFR
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