

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2912 of 2017

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Smt. Aparna Prasad wife of Late Prabhat Kumar Karan resident of Mohalla
Betwan Bazar, Behind Sub-Beam Engineering Works, P.S. Kasim Bazar,
District Munger.

... .. Petitioner/s

Versus

1. The Chairman Cum Managing Director, U C O Bank Head Office 8th Floor,
10-B.T.M, Sarani, Kolkata-700001.
2. The General Manager and Circle Head, Patna UCO Bank, Circle Office
Maurya Lok Complex, 4th Floor, Block-A, New Dak Bunglow Road, Patna-
800001.
3. The Assistant General Manager Patna Region Regional Office, UCO Bank,
Maurya Complex, Dak Bunglow Road, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. M. Chatterjee, Advocate
		Mr. Samir Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Vishwajeet Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-07-2025

Heard learned counsel for the petitioner and
learned counsel for the UCO Bank are present.

2. The present writ petition has been filed seeking
quashing of the order dated 16.05.2016, passed by the Appellate
Authority (Annexure-12), by which the appeal dated
28.11.1995, preferred by the petitioner's husband against the
final order dated 11.10.1995, has been rejected. A further prayer
has been made to grant all consequential benefits to the



petitioner's husband after setting aside the order of the Appellate Authority as well as that of the Disciplinary Authority.

3. Learned counsel for the petitioner submits that the petitioner's husband was posted at the Jogbani Branch as Incharge Manager and had taken a loan of Rs. 25,000/- for personal needs on 27.04.1992. It is stated that, under the direction of the Manager, the petitioner's husband deposited the loan amount of Rs. 25,000/- along with 30% interest per annum on the very next day, i.e., on 28.04.1992. Counsel further submits that the respondent-Bank issued a show-cause notice to suspend the Assistant General Manager, UCO Bank, Zonal Office, Patna, and issued Articles of Charges and a statement of allegations against the petitioner's husband on 10.11.1992. Counsel also submits that a domestic enquiry was conducted against the petitioner's husband on the basis of the charge sheet dated 10.11.1992. It has been submitted that on 15.05.1993, the Enquiry Officer wrote a letter to the petitioner's husband, directing him to attend the enquiry at the premises of UCO Bank, Jogbani Branch. In response, the petitioner's husband wrote a letter dated 03.06.1993 to the General Manager, UCO Bank, Head Office (Vigilance), Kolkata, requesting withdrawal of the said proceeding, stating that the loan was taken on the



basis of an F.D.R., which was due on 31.01.1994 for Rs. 27,000/-.

4. Counsel further submits that, after completion of the enquiry proceedings, the Presenting Officer submitted a written brief of the enquiry proceedings on 27.01.1995. The Enquiry Officer thereafter submitted the enquiry report on 10.07.1995 to the A.G.M. (Disciplinary Authority) upon receipt of the said report. It has been indicated therein that the loan was disbursed on 27.04.1992 and was fully adjusted on 28.04.1992 with interest at the rate of 30%, and that the Bank did not suffer any loss. According to the petitioner, this fact alone is sufficient for closure of the disciplinary proceeding.

5. Counsel further submits that the final order was passed by the Disciplinary Authority on 11.10.1995 on the basis of the enquiry report, imposing the punishment of reduction by two lower stage in the present time-scale in the basic pay of the petitioner's husband. Counsel further submits that, being aggrieved and dissatisfied with the order passed by the Disciplinary Authority dated 11.10.1995, an appeal was preferred before the Appellate Authority on 28.11.1995. Thereafter, the petitioner's husband filed CWJC No. 9696 of 2007, seeking quashing of the Disciplinary Authority's order



dated 11.10.1995. Counsel further submits that this Hon'ble Court dismissed the said writ petition solely on the ground of delay, observing that although the disciplinary order was passed on 11.10.1995 and the appeal was filed on 28.11.1995, the writ petition itself was filed only in the year 2007.

6. Counsel further submits that, being aggrieved and dissatisfied with the order passed in the said CWJC, the petitioner preferred L.P.A. No. 644 of 2014. During the pendency of the L.P.A., the petitioner's husband passed away. Thereafter, I.A. No. 2023 of 2015 was filed. Counsel further submits that vide order dated 16.03.2016 passed in L.P.A. No. 644 of 2014, this Hon'ble Court directed the Appellate Authority to dispose of the pending appeal within a period of three months. Pursuant thereto, the appeal preferred by the petitioner was rejected by the Appellate Authority vide order dated 16.05.2016, which was communicated to the petitioner by letter dated 31.05.2016.

7. Counsel further submits that the said order passed by the Appellate Authority dated 16.05.2016 is impugned in the present writ petition, and upon perusal of the said order, it becomes crystal clear that the punishment imposed by the Disciplinary Authority, namely, reduction by two lower stage in



the time-scale of basic pay of the petitioner's husband, passed by the Disciplinary Authority was retained.

8. Counsel further submits that the said order is absolutely bad in law for the reason that the petitioner's husband had refunded the loan amount on the very next day along with 30% interest, which, according to him, a punishment categorized under Clause 4(d) of the UCO Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 (hereinafter referred to as "Rules of 1976"). Counsel further submits that, upon imposition of punishment, the Appellate Authority has also approved an additional punishment falling under Clause 4(e) of the Rules of 1976. Counsel further submits that, for one alleged misconduct, two separate punishments have been imposed. Counsel also submits that the petitioner is an old aged widow of the deceased employee, and the imposition of the punishment of reduction by two lower stage in the present time-scale in the basic pay has resulted in an exorbitant reduction in the pension amount.

9. In view of the fact that two punishments have been imposed for a single alleged act of misconduct, and that the punishment is disproportionate and excessive, counsel submits that this Hon'ble Court may be pleased to interfere in



the matter.

10. Learned counsel for UCO Bank, on the other hand, submits that the specific misconduct committed by the petitioner's husband has already been clearly indicated in the enquiry report. It is stated that on 27.04.1992, the petitioner's husband disbursed a loan amount of Rs. 25,000/- in his own name, showing as security F.D.R. No. 60125/KY/647/91-92, dated 31.01.1994, for Rs. 27,000/-, which had already pledged to the bank and loan was outstanding against the security of said Fixed Deposit Receipt. Counsel submits that the Enquiry Officer, upon detailed consideration in the report, found the charge to be proved against the petitioner's husband. It is due to this reason matter was sent to to the Disciplinary Authority, who thereafter passed the impugned order.

11. Counsel further submits that under the Rules of 1976, the punishment imposed upon the petitioner's husband is minor in nature. He further submits that, while exercising powers of judicial review in matters relating to departmental proceedings, the scope is very limited. Counsel also submits that there has been no procedural irregularity nor any violation of the principles of natural justice in the conduct of the enquiry or in the disciplinary proceedings.



12. Counsel further submits that the petitioner's husband reimbursed the loan while he was serving as the Incharge Branch Manager, suppressing the material fact that the F.D.R. had already been mortgaged. Despite this, he availed the loan, thereby violating the norms and procedures of the Bank.

13. Counsel further submits that, under normal circumstances, such misconduct, the delinquent should be dismissed from service. However, in the present case, a lenient view was taken, and only a minor punishment was imposed.

14. Upon hearing the parties, it transpires to this Court that the issues raised for consideration are: (i) whether two punishments have been imposed upon the petitioner's husband, and (ii) whether the punishment imposed is exorbitant.

15. From the perusal of the facts on record, it is evident that the petitioner's husband availed a loan while serving as the Incharge of the Branch for a few days. It is also established that he reimbursed the said loan amount by marking an F.D.R. that had already been pledged as security with the Bank for another purpose.

16. However, it is equally true that the said loan amount was refunded by him on the very next day along with 30% interest. Nevertheless, this repayment was not made suo



motu, rather, it was made pursuant to instructions from the Branch Manager who had subsequently joined.

17. It further appears that proper opportunity of hearing was provided to the petitioner's husband during the disciplinary proceedings. A show-cause notice was issued, and there is no indication of any violation of the principles of natural justice. The punishment imposed has also been categorized as minor in nature under the applicable service rules.

18. Under Clauses 4(d) and 4(e) of the Rules of 1976, which are applicable to the petitioner, the provisions state as follows:-

“4(d) Recovery from pay or such other amount as may be due to him of the whole or part of nay pecuniary loss caused to the Bank by negligence of breach of orders;

4(e) Reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting the officer's pension.”

19. It transpires to this Court that an action which has been done by the petitioner himself upon instruction of the Branch Manger about refund of money cannot be said as a punishment. Therefore, this Court is of the considered view that



only one punishment has been imposed, namely, the reduction by two lower stage in the present time-scale of basic pay, as contemplated under Clause 4(e) of the Rules.

20. This Court is also of the firm opinion that, since the punishment imposed is minor in nature, it cannot be termed as exorbitant. The disciplinary action taken is in accordance with law, and no ground for interference is made out.

21. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	21.07.2025
Transmission Date	NA

