IN THE HIGH COURT OF JUDICATURE AT MADRAS

| Reserved on : 25.06.2025 | Pronounced on : 26.09.2025 |
|---|---|

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.No.34889 of 2012**
**and**
**M.P.Nos.2 & 3 of 2012**

1. M.Veeran (Deceased)
2. M.V.Jayalakshmi
3. M.V.Ashok Kumar
4. M.V.Ananda Kumar
5. M.V.Mareeswari ... Petitioners

[P2 to P5 substituted as LRs of the deceased
P1 vide order dated 24.02.2022]

Vs.

1. The General Manager – HRM,
Union Bank of India,
239, Vidhan Bhavan Marg,
Nariman Point, Mumbai – 400 021.

2. Deputy General Manager – HRM,
Union Bank of India,
239, Vidhan Bhavan Marg,
Nariman Point, Mumbai – 400 021.

3. Asst. General Manager,
Industrial Relation Division,
Union Bank of India,
239, Vidhan Bhavan Marg,

Nariman Point, Mumbai – 400 021.
4. Chief Manager,
Human Resources Department,
Management Department,
General Manager's Office,
Union Bank of India,
No.139, Broadway,
Chennai – 108.

5. Mr.H.Anantha Subrmanian,
External Enquiry Officer,
T3, "Salma", Royal Residency,
SBI Colony Extension, Nanganallur,
Chennai – 600 061. ... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Charge memo dated 28.10.2009 Ref.No.CO:IRD:OS:VIG:342:09 and the consequential order of dismissal from service dated 12.03.2011 Ref.No.CO:IRD:1502:2011 issued by the third respondent and confirmation thereof by the respondents 2 & 1 vide their orders dated 31.10.2011 Ref.No.CO:IRD:6443:2011 and 09.05.2012 Ref.No.CO:IRD:2671/2012 in the departmental appeal and revision respectively and quash the same and consequently direct the respondents to reinstate the petitioner in service and grant him all back wages (last salary drawn) + all allowances with 12% Compound Interest, promotional and other service benefits without any break.

For Petitioner : Mr.S.Thanka Sivan

For R1 to R4 : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.,

For R5 : No appearance

**O R D E R**

During pendancy of this writ petition, the original writ petitioner passed away and his legal representatives have been brought on record as petitioners 2 to 5.

2. The brief facts that are relevant for disposal of this writ petition are as under:-

2.1. While the first petitioner (hereinafter referred to as 'the petitioner') was working as a 'Senior Manager', Thiruvarur Branch of the respondent Bank in the year 2009, he was subjected to disciplinary proceedings by issuing a charge memo dated 28.10.2009. A perusal of the said charge memo discloses that, basing upon various commissions and omissions on the part of the petitioner herein, while he was working as a 'Branch Manager' at Kottampatti Branch of the respondent bank, it was alleged that the petitioner has committed misconduct. The said omissions and commissions as alleged in the charge sheet are on six counts. They are as under:-

> *“1. The fact remains that he unauthorisedly debited Suspense Account*
>
> *2. He wrongfully set off credit balance in NPA*

*account of M/s.Balaji Oils for which OTS was approved*

*3. There was inappropriate disbursement fo subsidy under National Horticulture Mission Project*

*4. He resorted to unauthorized use of Expenditure account.*

*5. He opened SB account of National Horticulture Mission without any mandate from the Department of Horticulture and credited the subsidy in that account instead of controlling the same in Sundry Deposit account resulting in granting interest for the subsidy amount lying in SB account.*

*6. He had not implemented the scheme formulated by National Horticulture Mission in a proper manner and used the Bank as a channel for disbursement of Government subsidy, whereby misutilisation of subsidy amount cannot be ruled out."*

2.2. The above omissions and commissions on the part of the petitioner were alleged to be amounting to and constituting the following misconducts:-

*1. Failure to take all possible steps to ensure and protect the interest of the Bank*

*2. Failure to discharge his duties with utmost devotion and diligence*

*3. Failure to discharge his duties with utmost honesty and integrity*

*4. Acting otherwise than in his best judgement in the performance of his official duties*

2.3. Basing upon the above alleged misconduct, the petitioner was asked to explain the same, while treating the previously issued Memorandum No.HRM 2197, dated 27.08.2008, and GMO HRMD 2214-12-8 dated 24.12.2008, as the statement of allegations in support of the above four charges/ misconducts alleged against the petitioner.

2.4. In response to the said charge-memo dated 28.10.2009, the petitioner has submitted a reply dated 27.11.2009, stating that in terms of the said charge-memo, he had proceeded to the Kottampatti branch for verification of the listed documents, but the documents shown at Sl.No.2 and Sl.Nos.16 to 22 in the list of documents annexed to the charge-sheet were not available in the said branch for perusal and therefore, he could not submit the reply to the fullest, while denying the charges levelled against the petitioner. It was thereupon, the third respondent/ Disciplinary Authority, holding that the explanation submitted by the petitioner is not satisfactory, proceeded to appoint an Enquiry Authority through proceedings dated 07.12.2009, duly appointing the fifth respondent herein as an Enquiry Officer. Thereupon, the fifth respondent conducted an enquiry into the charges levelled against the petitioner and submitted his report dated 10.06.2010 to the third respondent.

2.5. A perusal of the report of the Enquiry Officer would disclose that the Enquiry Officer has enquired into, in all in respect of 11 allegations against the petitioner while answering the four misconducts that were alleged against the petitioner. Out of the 11 allegations, the allegations 5, 7 and 8 were found to have not been proved while other eight allegations were held to have been proved against the petitioner. Having answered the 11 allegations, the Enquiry Officer proceeded to answer the six counts basing upon which the misconduct was alleged against the petitioner and also answered the four misconducts that were alleged against the petitioner. It was basing upon the said report of the Enquiry Officer, the third respondent/ Disciplinary Authority passed an order against the petitioner imposing the punishment of dismissal from service through proceedings dated 12.03.2011.

2.6. Aggrieved by the said order dated 12.03.2011, the petitioner filed an appeal before the second respondent herein on 18.04.2011 and in addition to the same, the petitioner also submitted further representations dated 25.04.2011 and 06.05.2011, in support of the appeal filed by him. It was thereafter, the second respondent herein rejected the appeal filed by the petitioner by an order dated 31.10.2011. It was thereupon, the petitioner filed a review petition before the first respondent unsuccessfully and the same was rejected by an order dated 09.05.2012. It is aggrieved by the said original order of punishment dated 12.03.2011, as confirmed by orders dated 31.10.2011 and 09.05.2012, the petitioner approached this court by filing the present writ petition.

3. The respondents filed a counter-affidavit supporting their action.

4. Heard Mr.S.Thanka Sivan, learned counsel for the petitioner and Mr.P.Raghunathan, learned counsel for the respondents 1 to 4.

5. The learned counsel for the petitioner strenuously contended that the charges that were levelled against the petitioner through charge sheet dated 28.10.2009 are totally vague and does not contain any particulars nor basis for the allegations levelled against the petitioner. He further submitted that all the allegations that were levelled against the petitioner are in the nature of violation of procedure in the matter of sanctioning loans etc., and that there are no serious allegations of misconduct against the petitioner either by causing any loss to the Bank or by enriching the petitioner himself. He also further contended that all the allegations that are levelled against the petitioner does not even allege that the petitioner is benefited either monetarily or otherwise because of the

procedural lapses alleged to have been committed by him. Thus, he contended that the imposition of punishment of "dismissal from service" for the misconduct is shockingly disproportionate to the charges levelled and proved against the petitioner herein.

6. He also further contended that one Mr.M.Royappan, who was the predecessor in the office of the petitioner in the post of 'Branch Manager, Kottampatti Branch', was also subjected to disciplinary proceedings on similar allegations like the allegations levelled against the petitioner herein, but he was imposed with a lesser punishment of "reduction in grade from MMGS-III to MMGS-II" as against the major punishment of "dismissal from service" imposed on the petitioner. The learned counsel also further contended that certain acts committed prior to the petitioner joining the post of 'Branch Manager' i.e., prior to 15.06.2007 were also attributed to the petitioner in an arbitrary manner. Thus, the main stress of the learned counsel for the petitioner is on the ground of disproportionate punishment and also on the ground of vagueness in the charges. The learned counsel also placed reliance on various decisions of this court as well as Hon'ble Apex Court reported in the cases of ***"Chief General Manager, State Bank of India and others -vs- S.Arunachalam"*** **(2012) 6 MLJ 341, 2020 4 SSC 385** and ***"Rajendra Yadav***

***-vs- State of Madhya Pradesh and others"*** reported in **(2013) 3 SSC 73.**

7. On the other hand, Mr. Raghunathan, learned counsel appearing for respondents 1 to 4, contended that the Enquiry Officer as well as the Disciplinary Authority have rightly considered the matter in a proper perspective and also contended that all the particulars that are required to establish the charges against the petitioner have been furnished in the charge sheet read with the memos dated 27.08.2008 and 24.12.2008 and therefore, it is not open for the petitioner to contend that the charges that are levelled against the petitioner are vague. He also further contended that the nature of charges that are levelled against the petitioner are all serious in nature; though there is no oblique motive or personal gain that was attributed to the petitioner, as all such acts of the petitioner would dislodge the confidence of the general public on a public sector bank like the respondent Bank. Thus, the learned counsel for the respondents contended that the punishment of "dismissal from service" is commensurate with the charges that are levelled against the petitioner. He also contended that the Enquiry Officer as well as the Disciplinary Authority have considered the matter in elaborate and therefore, it is not open for this court to examine the matter as an appellate authority as the scope of judicial review into the disciplinary matters is very limited and thus, contended that it is not a case for interference by this court. He also placed reliance on following decisions of

the Hon'ble Apex Court:-

*(i) “Disciplinary Authority -cum- Regional Manager and others -vs- Nikunja Bihari Patnaik”* reported in **(1996) 9 SCC 69,**

(ii) ***“State Bank of India -vs- Chaman Lal”*** reported in **(2008) SCC OnLine Del 736,**

(iii) ***“State Bank of India -vs- T.J.Paul”*** reported in **(1999) 4 SCC 759,**

(iv) ***“State Bank of India and another -vs- Bela Bagchi and others”*** reported in **(2005) 7 SCC 435,**

(v) ***“S.Sreesanth -vs- Board of Control of Cricket in India and others”*** reported in **(2019) 4 SCC 660,**

(vi) ***“Lucknow Gramin Bank -vs- Rajendra Singh”*** reported in **(2013) 12 SCC 372,**

(vii) ***“Balbir Chand -vs- FCI and others”*** reported in **(1997) 3 SCC 371,**

(viii) ***“Administrator, Union Territory of Dadra and Nagar Haveli -vs- Gulabhia”*** reported in **(2010) 5 SCC 775,**

(ix) ***“Katra Educational Society -vs- State of Uttar Pradesh”*** reported in **(1966) SCC OnLine SC61;** and

(x) ***“National Carbon Company, Madras -vs- Labour Court,*** *Madras and another"* reported in **(1987) 1 LLN 405.**

8. This court has carefully considered the submissions made on either side and also perused the entire material on record.

9. The charge-sheet i.e., articles of charge dated 28.10.2009, as such, does not furnish particulars of any of the alleged misconduct committed by the petitioner, except making certain bald allegations. The said allegations are on six counts and, according to the articles of charge, the said allegations would amount to misconduct on four charges. The said six counts and the four charges were already noted hereinabove. However, the charge sheet makes a specific reference to the previous memorandums dated 27.08.2008 and 24.12.2008 that were issued to the petitioner. In the memorandum dated 27.08.2008, there were six irregularities that were levelled against the petitioner. The said allegations are as under:-

1. Irregularities in Loan portfolio
2. Sanctioning of Loans Deviating Banking Norms
3. M/s. Mani Fibre and Coir Industries
4. Crediting SB Accoutns by debiting Expenditure Account
5. Excess Debit in the loan account over sanctioned limit
6. Harvest loans sanctioned to Mango growers for the purpose of

availing subsidy.

10. The said allegations were answered by the petitioner by submitting his explanation dated 19.09.2008. It was thereafter, the second memorandum dated 24.12.2008 was issued to the petitioner containing two irregularities, which reads as under:-

1. Unauthorized debit of suspense – others (upload accounts)
2. Wrongful set off credit balance in NPA account for which OTS was approved by Regional Office, Madurai

Besides the abovesaid two irregularities, two more irregularities were also alleged, though they were not properly captioned in the said memorandum. In all, four irregularities were pointed out against the petitioner.

11. As already noted above, out of the eleven allegations/ irregularities (7+4), three irregularities were held to have been 'not proved' against the petitioner. From the perusal of the nature of allegations that are levelled against the petitioner, all the allegations appears to be only on certain procedural lapses only. Further, an examination of the matter in a little detail would disclose that the Enquiry Officer as well as the Disciplinary Authority have not chosen to consider the stand of the petitioner contending that certain irregularities that

took place prior to the petitioner assuming the charge as 'Branch Manager' of Kottampatti branch on 15.06.2007 were also attributed to the petitioner, was totally lost sight of by the Enquiry Officer as well as the Disciplinary Authority.

12. For instance, in respect of Irregularity No. 4, namely, crediting SB accounts by debiting expenditure account, the said incident had admittedly taken place on 27.04.2007 i.e., much prior to the petitioner assuming the charge as 'Branch Manager' of the branch in question. The relevant portion from the memo dated 27.08.2008 reads as:-

> ***"Crediting SB Accounts by debiting Expenditure Account***
> *• Branch has debited Expenditure account other allowances for Rs 5.20 lacs on 27.04.2007, and given credit to 24 SB accounts of individuals. Expenditure account was adjusted by debiting loan accounts of same individuals' on 11.09.2007 & 12.09.2007 after a gap of 5 months with the same amounts.*
>
> *• While giving credit to SB accounts on 27.04.2007, 50% of the amount was kept in fixed deposit on withdrawing the amount from SB a/c. No account opening form for the deposit is obtained.*
>
> *• The deposits were closed without request from depositor and proceeds were transferred to SB accounts with interest.*
>
> *• Interest on loans was calculated from the date of loan accounts to till its closure though amounts were credited to SB accounts on 27.04.2007.*

*• The entire loan application/documents of 24 accounts are kept blank without sanction."*

*• Branch has not carried out pre sanction and post disbursement Inspections.*

*• Branch has not obtained request letter for pre closure of deposits and transferring the amounts from SB accounts to adjust the loan accounts.”*

13. In spite of the specific stand of the petitioner that he is not responsible for the said irregularity, the same was held to have been 'proved' against the petitioner. In spite of the petitioner bringing the said fact to the notice of the Disciplinary Authority as well as the Appellate and Review Authorities, the same was neither dealt with nor answered by the said authorities, thereby violating the principles of natural justice, besides exhibiting sheer non-application of mind.

14. Be that as it may, as against the Irregularity No. 6 i.e., sanctioning loans to the same borrowers repeatedly, the petitioner has taken a specific stand that there is no bar for sanctioning loans for the second time, as the farmers are entitled for sanction of loan firstly for maintenance of the mango crop and a separate loan for mango plantation. But the said stand of the petitioner was also totally lost sight of by the Enquiry Officer as well as the Disciplinary, Appellate

and Review Authorities. These are the two instances where, *prima facie,* it appears that there is no proper consideration of the defence set up by the petitioner herein.

15. This court is fully conscious of the scope of interference in the matter of disciplinary proceedings by this court, while exercising its jurisdiction under Article 226 of the Constitution of India. The above two instances are pointed out only to the limited purpose of the casual manner in which the disciplinary proceedings were concluded against the petitioner herein, but not with a view to sit as an appellate authority or appellate court.

16. As already noted above, all the eleven allegations/ irregularities that are levelled against the petitioner are all pertaining to the procedural irregularities or certain omissions and commissions, which are not even alleged to have resulted in causing any loss to the Bank or bringing the respondent Bank to disrepute, nor the respondent Bank was subjected to any sufferance of whatsoever nature. It is not even the case of the respondent Bank that there was any loss caused to the respondent Bank because of the omissions or commissions of the petitioner herein nor the petitioner is benefited out of any of such omissions and commissions alleged to have been committed by him. It is

also not in dispute that the petitioner has rendered 33 years of service in the respondent Bank by the date of initiation of the impugned disciplinary proceedings.

17. As against the specific ground raised by the petitioner in the affidavit filed in support of the writ petition, alleging that the entire 33 years of service of the petitioner in the respondent Bank is unblemished, vide Ground No.C, there is no denial of the same, though the said Ground No.C was specifically answered by the respondents in their counter at Paragraph No.21.

18. As seen from the counter affidavit and the impugned orders, it is not even the case of the respondents that the petitioner was ever subjected to disciplinary proceedings prior to the instant disciplinary proceedings. The respondents also have not chosen to consider the stand of the petitioner that his predecessor in office, namely, Mr.M.Royappan, is the one who has sanctioned major portion of the loans under the National Horticulture Mission and the same procedure was followed by the petitioner. The same was also not considered by the respondents.

19. In the light of the admitted fact situation that there is no fraud, collusion or undue benefit attributed to the petitioner, and in the absence of any serious misconduct on the part of the petitioner, mere procedural violation or non-following of the relevant Rules in the matter of sanction of loans, etc., in the considered view of this court, the only question that would arise for consideration is whether the imposition of a capital punishment of dismissal from service, resulting in forfeiting the entire 33 years of unblemished service of the petitioner is just and proper and whether the said punishment is shockingly disproportionate or not ?

20. By now, it is well stated that this court, while exercising the power of the judicial review, can interfere with the punishment imposed by the disciplinary authority or appellate authority in case if the same was found to be shockingly disproportionate to the proved misconduct of the delinquent employee. In this connection, it would be relevant to refer to the decision of the Hon'ble Apex Court in the case of ***"Jai Bhagwan -vs- Commissioner of Police and others"*** reported in **(2013) 11 SSC 187**, wherein it was held as under:-

> ***"10.*** *What is the appropriate quantum of punishment to be awarded to a delinquent is a matter that primarily rests in the discretion of the disciplinary authority. An authority sitting in appeal over any such order of punishment is by all means entitled to examine*

*the issue regarding the quantum of punishment as much as it is entitled to examine whether the charges have been satisfactorily proved. But when any such order is challenged before a Service Tribunal or the High Court the exercise of discretion by the competent authority in determining and awarding punishment is generally respected except where the same is found to be so outrageously disproportionate to the gravity of the misconduct that the Court considers it be arbitrary in that it is wholly unreasonable. The superior courts and the Tribunal invoke the doctrine of proportionality which has been gradually accepted as one of the facets of judicial review. A punishment that is so excessive or disproportionate to the offence as to shock the conscience of the Court is seen as unacceptable even when courts are slow and generally reluctant to interfere with the quantum of punishment. The law on the subject is well settled by a series of decisions rendered by this Court. We remain content with reference to only some of them.*

***11.** In Ranjit Thakur v. Union of India [(1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113] this Court held that the doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the court martial, if the decision even as to the sentence is in defiance of logic, then the quantum of sentence would not be immune from correction. Irrationality and perversity, observed this Court, are recognised grounds of judicial review. The following passage is apposite in this regard: (SCC p. 620, para 25)*

> *"25. … The doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the court martial, if the decision of the court even as to sentence is an outrageous defiance*

*of logic, then the [quantum of] sentence would not be immune from correction. Irrationality and perversity are recognised grounds of judicial review."*

***12.*** *Similarly, in Dev Singh v. Punjab Tourism Development Corpn. Ltd. [(2003) 8 SCC 9 : 2003 SCC (L&S) 1198] this Court, following Ranjit Thakur case [(1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113] held: (Dev Singh case [(2003) 8 SCC 9 : 2003 SCC (L&S) 1198] , SCC p. 11, para 6)*

*"6. … a court sitting in appeal against a punishment imposed in the disciplinary proceedings will not normally substitute its own conclusion on penalty, however, if the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court, then the court would appropriately mould the relief either by directing the disciplinary/appropriate authority to reconsider the penalty imposed or to shorten the litigation it may make an exception in rare cases and impose appropriate punishment with cogent reasons in support thereof. It is also clear from the abovenoted judgments of this Court, if the punishment imposed by the disciplinary authority is totally disproportionate to the misconduct proved against the delinquent officer, then the court would interfere in such a case."*

***13.*** *Reference may also be made to the decisions of this Court in Union of India v. G. Ganayutham [(1997) 7 SCC 463 : 1997 SCC (L&S) 1806] , Sardar Singh v. Union of India [(1991) 3 SCC 213 : 1991 SCC (Cri) 503 : 1991 SCC (L&S) 975 : (1992) 19 ATC 325] and Om Kumar v. Union of India [(2001) 2 SCC 386 : 2001 SCC (L&S) 1039] , which reiterate the same proposition.*

*__14.__ Coming to the case at hand we are of the view that the punishment of dismissal from service for the kind of misconduct proved against the appellant appears to us to be grossly disproportionate. There is no allegation that the appellant had manhandled the Police Inspector who had gone to check the cabin. Delay of 10 minutes in opening the cabin door, which according to the appellant was open but had got stuck because of humidity leading to expansion of the wooden frame, was not a matter that ought to have led to the appellant's dismissal after he had served the police force for over 10 years. Even assuming that the version given by the appellant was not acceptable the same did not constitute a misconduct of a kind that would justify the appellant's dismissal from service leading to forfeiture of his past service. That the appellant was not in uniform may also be breach of discipline calling for administrative action against him but not so severe as to throw him out of the police force. The analogy drawn by the appellant in this case and that of Ram Kishan case [(1995) 6 SCC 157 : 1995 SCC (L&S) 1357 : (1995) 31 ATC 475] is not, therefore, wholly misplaced. The delinquent in that case too was charged with misbehaviour with his superior leading to his dismissal from service which was found by this Court to be disproportionate to the nature of misconduct calling for moderation."*

21. In one of the recent decision, the Hon'ble Apex Court, in the case of ***"Umesh Kumar Pahwa -vs- Board of Directors Uttarkhand Gramin Bank and others"*** reported in **(2022) 4 SSC 385**, held as under:-

*12. Even looking to the charges proved in the departmental proceedings we find that as such, there is* *no financial loss caused to the Bank and on the contrary a decision was taken by the appellant to reduce the loan amount from Rs 1,50,000 to Rs 75,000 in the case of Karamjeet Singh - the complainant, which can be said to be the decision in the bank's interest. Moreover, the fact that the appellant had worked for 28 years and during those 28 years there are no allegations against him. In the facts and circumstances of the case, we are of the opinion that the punishment of removal for the charges proved and the misconduct established, is too harsh and disproportionate. However, considering the fact that it can be said to be a case of loss of confidence in the employee by the Bank, we deem it just and proper to substitute the punishment from that of removal from service to that of compulsory retirement.*

From the above, it is evident that the Hon'ble Apex Court, having taken note of the 28 years of unblemished service rendered by the appellate therein, the punishment of “removal from service” for the proved misconduct was found to be too harsh and disproportionate, and thereby modified the punishment of “removal from service” to that of “compulsory retirement”.

22. Though learned counsel appearing for the respondents placed reliance on various decisions dealing with the scope of interference by this court, especially in the matter of misconduct on the part of an employee of a Bank, and to say that re-appreciation of evidence is not permissible, and also in the matter of interfering with the punishment on the ground of disproportionality, etc., this court does not deem it is necessary to deal with the said decisions in detail, as

this court is not interfering with the impugned orders, either on the ground of insufficient evidence, nor is inclined to re-appreciate the evidence, and is not inclined to interfere with the overall findings of the Disciplinary Authority as well as the Appellate Authority, though this court has already pointed out certain defects/ omissions/ irregularities in the decision-making process, as the same would not be sufficient to set aside the entire disciplinary proceedings/ punishment.

23. Some of the decisions relied upon by the learned counsel appearing for the respondent Bank, namely ***"Damoh Panna Sagar Rural Regional Bank and another -vs- Munna Lal Jai"*** reported in **(2005) 10 SCC 84** and ***"Lucknow Gramin Bank -vs- Rajendra Singh"*** reported in **(2013) 12 SCC 382,** etc., the same also reiterate the limited scope of interference by this court on the ground of disproportionality of punishment, as the law in this regard is well settled. The punishment of "dismissal from service" is a severe penalty which has the effect of taking away the livelihood of the delinquent employee, irrespective of the length of service rendered by such delinquent employee, which is admittedly an unblemished service.

24. The punishment of dismissal can be an appropriate punishment when

the misconduct is grave, deliberate and involves moral turpitude, corruption, fraud, misappropriation of public money, etc., or in case of serious criminal charges, etc., which shakes the faith of the employer in the integrity and honesty of the employee, and where the continuation of such an employee in service would be against the public interest or would set a bad precedent. But, in the instant case, none of the above situations are present. On the other hand, all the allegations that are levelled against the petitioner are mostly of procedural in nature.

25. Therefore, in the considered view of this court, the case on hand is not a case where the punishment of "dismissal from service" can be imposed. In other words, the punishment of "dismissal from service" on the petitioner, in the facts and circumstances of the case, is shocking the conscience of this court. The alleged misconduct, which is only a violation of procedural aspects, would not warrant the punishment of "dismissal from service" is imposed on the petitioner. Surprisingly, it is also not even the case of the respondents, either in the impugned order passed by the Disciplinary Authority or the Appellate and Reviewing Authorities, that the continuation of the petitioner in service would cause any prejudice to the Bank or will have any impact on the confidence of the general public in the Bank.

26. As already noted above, one Mr. Royappan, who was also proceeded against under similar circumstances, and who worked in the branch in question at the same time, was imposed with a lesser punishment and was allowed to continue in service. As a matter of fact, several documents, namely, MEX-1 to 43, are all the documents that are pertaining to the period during which the said Mr.M.Royappan was working as 'Branch Manager' of the branch in question. Though the petitioner was put on defence in respect of the acts that took place prior to the petitioner taking over the charge as 'Branch Manager' of the Kottampatti Branch, the findings of the Enquiry Officer proceed to state that all such acts were committed by Mr.M.Royappan, but they were verified by the petitioner. It is not alleged that the petitioner has failed to verify or not properly verified the acts of the said Mr.M.Royappan. The petitioner himself was alleged to have committed such misconduct, but the finding is that the said acts are committed by Mr.M.Royappan but verified by the petitioner herein.

27. It is also a case of discrimination in the matter of imposition of punishment by the respondent Bank. A copy of the order of punishment dated 12.03.2011 of Mr.Royappan, is also placed on record, and a specific plea is also

raised on the ground of discrimination in the matter of imposition of punishment. But the respondent Bank, while filing the counter-affidavit, failed to meet the said averments in an appropriate manner and thus failed to justify its actions in that regard.

28. In this connection, it would be relevant to consider one of the decision of the Hon'ble Apex Court in the case of ***"Rajendra Yadav -vs- State of Madhya Pradesh and others"*** reported in **(2013) 3 SCC 73,** wherein it was held as under:-

> *"The doctrine of equality applies to all who are equally placed; even among persons who are found guilty. The persons who have been found guilty can also claim equality of treatment, if they can establish discrimination while imposing punishment when all of them are involved in the same incident. Parity among co-delinquents has also to be maintained when punishment is being imposed. Punishment should not be disproportionate while comparing the involvement of co-delinquents who are parties to the same transaction or incident. The disciplinary authority cannot impose punishment which is disproportionate i.e. lesser punishment for serious offences and stringent punishment for lesser offences."*

29. As already noted above, the petitioner has rendered an unblemished service of 33 years in the respondent Bank and was then subjected to the instant disciplinary proceedings alleging certain procedural lapses on his part, and was dismissed from service, which, in the considered view of this court, is

shockingly disproportionate.

30. At this stage, it is also necessary to note that the first petitioner, who originally filed the present writ petition has passed away during the pendency of the writ petition on 31.05.2021, and his legally representatives have been brought on record.

31. As already pointed out above, the Appellate and Reviewing Authorities also, inspite of raising several grounds specifically touching the facts and conclusions arrived at by the Enquiry Officer as well as Disciplinary Authority, the Appellate and Review authorities, have passed the respective impugned orders in a mechanical manner without dealing with the detailed submissions made by the petitioner herein which also amounts to violation of principles of natural justice, thereby rendering the remedy of appeal and review provided under the service regulations as illusory.

32. In the light of the above, this court is unhesitant to come to the conclusion that the punishment of "dismissal from service" imposed on the petitioner is shockingly disproportionate, especially in the absence of any findings recorded by the Disciplinary Authority that the continuance of the

petitioner in service is unwarranted and detrimental to the interest of the Bank.

33. Be that as it may, this court is not inclined to reinduct the petitioner into service notionally, especially taking into consideration that this court is not inclined to interfere with the factual findings recorded by the respondents.

34. In the circumstances, this court, having arrived at a conclusion that the punishment of "dismissal from service" is shockingly disproportionate, in normal course, would have remanded the matter back to the respondent Bank for imposing appropriate punishment. However, taking into consideration the long lapse of time of about 15 years since the date of passing of the impugned orders, and also taking into consideration the fact that the petitioner herein is no more and his legal representatives have been brought on record, this court does not deem it appropriate to remit the matter back to the respondents for imposing appropriate punishment, but is of the considered view that it is a fit case where the issue should be given quietus by substituting the punishment of "dismissal from service" with appropriate lesser punishment.

35. In the considered view of this court, the punishment of "compulsory retirement" in terms of Union Bank of India Officer Employees' (Discipline &

Appeal) Regulations, 1976, in the place of "dismissal from service" would be appropriate and accordingly, the impugned punishment of "dismissal from service" imposed through orders passed by the Respondent No.3 through order dated 12.03.2011, as confirmed by the respondents 2 and 1 respectively in the appeal and review petitions vide orders dated 31.10.2011 and 09.05.2012, shall stand substituted to that of "compulsory retirement" as on the date of the impugned order i.e., 12.03.2011, passed by the third respondent.

36. Accordingly, the writ petition is partly allowed. Consequently, the respondents are directed to pass necessary consequential orders, settling all the terminal benefits of the petitioner, and pay the same in favour of petitioners 2 to 5. All arrears of pension and family pension shall also be paid, as expeditiously as possible, at any rate within a period of three months from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions, if any, shall stand closed.

**26.09.2025**

skr
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

1. The General Manager – HRM, Union Bank of India,
   239, Vidhan Bhavan Marg, Nariman Point, Mumbai – 400 021.

2. Deputy General Manager – HRM, Union Bank of India,
   239, Vidhan Bhavan Marg, Nariman Point, Mumbai – 400 021.

3. Asst. General Manager, Industrial Relation Division,
   Union Bank of India, 239, Vidhan Bhavan Marg,
   Nariman Point, Mumbai – 400 021.

4. Chief Manager, Human Resources Department,
   Management Department, General Manager's Office,
   Union Bank of India, No.139, Broadway, Chennai – 108.

5. Mr.H.Anantha Subrmanian, External Enquiry Officer,
   T3, "Salma", Royal Residency, SBI Colony Extension,
   Nanganallur, Chennai – 600 061.

**MUMMINENI SUDHEER KUMAR, J.**

skr

**Pre-Delivery Order made in
W.P.No.34889 of 2012**

**26.09.2025**