



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-1315-2024 (O&M)

Date of Order:04.11.2025

TAJENDER SINGH

... APPELLANT

VS.

SARVA HARYNA GRAMIN BANK AND OTHERS

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr.Amar Vivek Aggarwal,Advocate (*Amicus Curiae*) with
Ms. Sanchi Bindra, Advocate
for the appellant.

Appellant in person.

Mr. Bhushan Bhatia, Advocate
for the respondents.

ROHIT KAPOOR, J.

1. The present appeal is directed against the judgement and order dated 06.03.2024, passed by the learned Single Judge in CWP-8951-2018, whereby the writ petition filed by the appellant has been dismissed.

2. Prayer in the writ petition was for quashing of the order dated 20.08.2015 (Annexure P-3), passed by the Appellate Authority, whereby the order dated 16.10.2014 (Annexure P-1), passed by the Disciplinary Authority imposing punishment of ‘dismissal from service, which shall ordinarily be disqualification for future employment’, was modified to ‘major penalty of reduction to a lower grade i.e. from Officer Middle Management (Scale-II) to Officer Junior Management (Scale-I)’.

3. Further prayer was made to command the respondents to restore the position of the appellant-petitioner as Officer Middle Management

(Scale-II) w.e.f. the due date with all consequential benefits arising therefrom, and to release salary, arrears alongwith interest for the intervening period, from the date of dismissal i.e. 16.10.2014 and the order of reinstatement, i.e. 20.08.2015.

4. The brief facts required to be noticed are that the appellant was initially appointed as Scale-I Officer in 'Ambala Kurukshetra Gramin Bank' on 08.06.1988 and was promoted as Scale II Officer in the year 1999. After amalgamation of the said bank with two other regional rural banks in the year 2005, the merged entity came to be known as 'the Haryana Gramin Bank'. The appellant alleges that he faced constant harassment and discrimination while working with the respondent-Bank as the Branch Manager and even had to approach the National Minorities Commission (NCM) since he was facing frequent transfers, non-release of benefits, withholding of increments etc. During this time, he started facing health ailments, mainly heart issues, due to which he had to undergo treatment and hospitalization.

5. The appellant claims that he handed over the records of the concerned branch including keys of Fire-Resistant File Cabinet and Data line Safe, to his Assistant Manager on 30.04.2012. It is claimed that on 03.05.2012, the appellant had to apply for leave from work, since he was advised to take complete rest by the Senior Medical Officer, Ambala, on account of his serious cardiac ailment. On 09.05.2012, the Regional Manager forwarded the leave application of the appellant to the Chairman, in which he neither discussed any shortcoming, such as recommendation of Chief Medical Officer or non-handing of keys by the appellant to the Branch.

6. It is further alleged that the bias against the appellant stems from the fact that upon the appellant's complaint, the NCM vide letter dated 10.05.2012, took serious view of the matter, which obviously made senior officers inimical towards the appellant. It was only subsequently, on 19.02.2013, that the appellant was served a charge sheet on the ground of unauthorized leave of absence from 03.05.2012 to 31.01.2013, and for allegedly not handing over keys of data safe for a long time.

7. Preliminary hearing of the enquiry was conducted by the Enquiry Officer on 26.04.2013, however the appellant did not appear under protest, neither did he submit his reply to the charge sheet. The medical bills of the appellant were reimbursed in the months of May and July 2013, without raising any objection. The Appellant alleges that the enquiry proceedings were a sham exercise, which were conducted in biased manner, without providing him with the documents, which related to the issuance of cheque books from 09.03.2012 to 06.12.2012, showing the issuance of cheque books during this period, which according to the appellant clearly established that the keys of the Data Safe remained in the branch.

8. It is claimed that it was under such circumstances that the appellant boycotted the enquiry proceedings and ex-parte enquiry was conducted from 07.09.2013 onwards.

9. The Enquiry Officer concluded the departmental enquiry against the appellant on 10.07.2014 and held that the appellant has been absent from his duties from 03.05.2012 to 31.01.2013 at Branch Office, Dhannora Jattan and from his headquarter, and furnished leave applications on medical grounds, without sending medical certificate, acceptable to the Bank, i.e. certificate from Chief Medical Officer, despite repeated

communications. It was further held that the charge against the appellant that he has been unauthorizedly keeping the keys of the Data Safe and did not return the same for a long time, despite instructions in writing, also stood proved.

10. Basis the findings of the Enquiry Officer, the Disciplinary Authority, vide its order dated 16.10.2014, imposed a major penalty of dismissal from service, which shall ordinarily be disqualification for future employment. It was inter-alia observed by the Disciplinary authority in its order, that the appellant did not submit his statement of defence in respect of the charge sheet dated 19.02.2013, despite grant of ample opportunities. It was further observed that the report of the Enquiry Officer was sent to the appellant advising him to submit representation or submissions, which was not done and he did not come present before the Disciplinary Authority, even though opportunity of personal hearing was afforded. While passing the aforementioned order, it was also observed that the appellant, after joining his duty at branch office Farmana on 12.10.2013, remained absent from 13.10.2013 itself, and also did not report at the Regional Office, Rohtak, where he stood transferred vide order dated 30.12.2013 and thus continued to remain absent unauthorizedly from 13.1.2013 onwards.

11. Aggrieved from the order passed by the Disciplinary Authority, the appellant preferred a statutory appeal before the Appellate Authority, challenging the said order on various grounds, that the same was passed by an incompetent authority; that he was not given a proper opportunity of defence; the no disciplinary action was taken against other employees in similar circumstances and he was treated in a discriminatory manner; the certificates from expert doctors and government hospital were ignored and

insistence upon CMO certificate was made arbitrarily; penalty of dismissal was highly disproportionate and shocking etc.

12. The Appellate Authority vide its order dated 20.08.2015 modified the order from punishment of dismissal of service, which will ordinarily be disqualification for future employment, to major penalty of reduction to a lower grade i.e. from Officer Middle Management (Scale-II) to Officer Junior Management (Scale-I). While passing the order, it was inter-alia observed that a lenient view is being taken considering the fact that the appellant was hospitalized for some time and has tendered an unconditional apology.

13. It is this order of the Appellate Authority that was challenged by the appellant before the Writ Court. Learned Single Judge, after considering the rival contentions of the parties, dismissed the petition vide its order dated 06.03.2024, with the following observations:-

“6. The main issue involved in the present case is as to whether the order of inflicting a punishment from dismissal from service which shall ordinarily be a disqualification for future employment to major penalty of reduction to a lower grade i.e. from Officer Middle Management (Scale-II) to Officer Junior Management (Scale-I) can be vitiated on the ground that the petitioner had returned the keys to the bank. It is a specific case of the petitioner that he had returned the keys to the bank, whereas in the enquiry as well as before the Appellate Authority it was proved by way of leading evidence that he did return the keys, even when he was admitted in the hospital. Even if assuming the argument raised by the learned counsel for the petitioner is taken to be true pertaining to the fact that he was in a medical emergency or he was having his cardiac treatment, he was not supposed to supply all the documents especially pertaining to the certificate of the CMO is taken to be true, even then so far as the second allegation against the petitioner pertaining to the non-returning of the keys is concerned, there are categorical findings by the Enquiry

Officer and by the Appellate Authority. This Court would not re-appreciate the evidence and to come to a different conclusion. Even otherwise also, a serious punishment was inflicted upon the petitioner by the punishing authority from dismissal from service which shall ordinarily be a disqualification for future employment and thereafter, a lenient view has been taken by the Appellate Authority by which the order was modified and now a punishment of major penalty of reduction to a lower grade i.e. from Officer Middle Management (Scale-II) to Officer Junior Management (Scale-I) has been inflicted upon the petitioner and as per learned counsel for the respondents, the aforesaid punishment is a minimum of the major punishment as provided under the regulations. In view of the aforesaid facts and circumstances, this Court does not find any merit in the present petition and the same is hereby dismissed.”

14. On our request, Mr. Amar Vivek Aggarwal, Advocate, has assisted this Court as *Amicus Curiae*. This was deemed necessary, as the appellant has appeared in person and was not otherwise known with legal procedures.

15. Our attention has been drawn to the provisions of the Regional Rural Banks Act, 1976 (hereinafter referred to as '*the Act*'), which provides for establishing Regional Rural Banks. It is pointed out that in exercise of Section 30 of the Act of 1976, the Haryana Gramin Bank (Officers and Employees) Service Regulations, 2010 were notified, wherein under regulation 2(1)(g), the Competent Authority was the 'Chairman' in respect of Officers and the 'General Manager' for employees. As per Regulation 50 thereof, an Appeal against an order passed under the regulations, would lie before the Board, where the Chairman is the competent authority, and before the Chairman, where any other officer is the competent authority. It is further pointed out that the said regulations of 2010, were amended vide the

Haryana Gramin Bank Service (Amendment) Regulations 2013, published in the Gazette of India on 29.07.2013. Under the amendments made, as per the substituted Regulation 2 (1)(g) (ii), the General Manager was made the Competent authority, in respect of officers of the rank of Scale-I and II, instead of the Chairman. Consequential amendment was made to regulation 50, wherein the Chairman was made the Appellate Authority, where the Competent Authority is the General Manager. Thereafter, the 'Sarva Haryana Gramin Bank', was formed on 29.09.2013, by amalgamation of the erstwhile Haryana Gramin and Gurgaon Gramin Bank. In pursuance thereof, the Sarva Haryana Gramin Bank (Officer and Employee) Service Regulations, 2010 were published, which came into force from the date of amalgamation, i.e. 29.11.2013.

It is submitted that under the aforementioned regulations also, the Competent authority as regards the Scale I and Scale II Officers, was the General Manager and appeal under Regulation 50 against such orders passed by the General Manager, would lie before the Chairman. Our attention has also been drawn to Regulation 23 which mandates that an officer or employee will not absent himself from duties without prior permission from the competent authority and in case of sickness shall submit a proper medical certificate from a medical practitioner acceptable to the Bank. Proviso to the said resolution permits the Competent Authority to condone any such absence or overstay and direct the same to be regularized as admissible leave, if he is satisfied that such absence was due to circumstances beyond the control of the officers or employees. Reference is also made to Regulation 62 (2)(iii) which requires production of medical certificate issued by recognized medical practitioner acceptable to the bank

and under explanation 3 thereof, it is provided that the medical leave can be accumulated upto a period of 540 days during the entire service.

16. Mr. Aggarwal has argued that the non-submission of certificate of a Chief Medical Officer, which is the main premise for departmental action against the appellant, is not mandatory and in view of the fact that the medical certificates issued by the Senior Medical Officer, Government Hospital, Ambala and P.G.I. Chandigarh, had been submitted by the appellant, it could not have been held that he remained absent without giving any adequate proof of his medical ailment. It is contended that in view of the undisputed position that the medical bills of the appellant were reimbursed by the respondent bank without any objection, the requirement under Regulations 23 and 62 (2) (iii), stood satisfied.

17. It is further contended that the charge for not handing over the keys of the Data Safe is contrary to the evidence on record. It is further submitted that neither the respondent-Bank nor the Regional Manager ever pointed out on 09.05.2012, that the keys had not been handed over. Since the documents regarding issuance of cheque books for the concerned period were withheld by the Bank, it is argued that adverse inference was required to be drawn against the respondents. Mr. Aggarwal submits that the appellate authority while passing the order impugned, did not take into consideration the arguments of the appellant and the same were mechanically turned down in a perfunctory manner.

18. Lastly, it is argued that the order of dismissal against the appellant, was passed by a junior authority i.e. the General Manager, than the authority issuing the charge sheet, i.e. the Chairman, which is bad in law and further the appellant's appeal ought not to have been heard and decided

by the Chairman (although new incumbent), who had issued the charge sheet to the appellant.

19. Per contra, learned counsel appearing on behalf of the respondent-Bank has contended that the appellant was in fact habitual of being absent from duty even prior to the period of unauthorized absence mentioned in the chargesheet and also remained absent after 13.10.2013, as duly noticed by the Disciplinary Authority in its order. It is further pointed out that the appellant has thereafter failed to join duties since the year 2019 till date, for almost a period of 06 years, which proves that he is a habitual absentee. It is further argued that the requirement under the aforesaid Regulation 62 (iii) is that sick leave may be availed on production of medical certificate issued by a medical practitioner, acceptable to the Bank. It is submitted that despite repeated instructions and communications, the appellant failed to submit the medical certificate from the recognized medical practitioner, which is acceptable to the bank and therefore was guilty of failing to comply with the directions of the Higher Authorities. It is further argued that the charge regarding non-handing over the keys of the Data Safe was duly proved by leading cogent evidence, which remained un rebutted. It is contended that the appellant failed to submit any response to the charge sheet and in fact tried to scuttle the entire enquiry proceedings by remaining absent on most occasions and thereafter boycotting the same. It is contended that the due procedure was followed in the enquiry process and it is the appellant who did not file any representation to the enquiry report nor availed the opportunity of personal hearing afforded by the Disciplinary Authority.

20. As regards the argument that the order passed by the junior authority, i.e. the General Manager is bad in law, reference is made to the amendment in the regulations and our attention is drawn to the decision dated 28.09.2017 passed by in CWP-17358-2016, wherein identical challenge was negated *inter alia* on the ground that the petitioner therein had not questioned the validity of the Sarva Haryana Gramin Bank Regulations 2010, which were given effect from 29.11.2013. The Letters Patent Appeal No.1908-2017, filed against the decision of the learned Single Judge, was also dismissed vide judgment and order dated 11.10.2017, by a Division Bench of this Court. It is further contended that the appellant is guilty of several acts of omission and commission, qua which subsequent charge sheets have been issued against him and litigation in this regard is pending before this Court. Lastly, it is urged that the writ Court has rightly refused to interfere in the matter as re-appreciating the evidence, is beyond the scope of judicial review under Article 226 of the Constitution of India.

21. In response to a pointed query from this Court regarding absence from 2019 onwards, the appellant who is present in the Court, has informed us that he applied for voluntarily retirement on account of his ailing health, which has arbitrarily been refused and litigation in this regard is pending. Be that as it may, we are not inclined to examine the said aspect any further, as the same is not a subject matter of the present appeal.

22. We have heard the learned *Amicus Curiae* and learned counsel for the respondents and have gone through the materials available on record with their able assistance.

23. Having given our anxious consideration to the arguments raised at the bar, we are of the view that as regards the allegations pertaining to

unauthorized absence of the Appellant, the Appellate Authority has already taken a lenient view. So far as the arguments regarding the evidence pertaining to the allegation of non-handing over of the keys of the data safe are concerned, we are in concurrence with the view taken by the learned Single Judge, that the writ court, would refrain from re-appreciating the evidence. We have reached such conclusion, after having examined the facts and circumstances involved in the present case and having gone through the materials available on record, including the orders passed by the authorities. It is well settled that the Writ Court while exercising its jurisdiction, would only interfere with the decision of the departmental authorities under 'exceptional circumstances' and does not act as a court of appeal.

24. As regards the argument regarding the order of the appellate authority being vitiated on the ground that the same was passed by the Chairman, who was also the authority that issued the charge sheet, we do not find any merit in the same, as no challenge was made to the amendment made to the 2010 regulations, during the pendency of the enquiry proceedings. Further, it is settled law, that for accepting any such argument, which is predicated on the allegation of bias, it would have to be clearly established that any real or actual bias existed. In the given facts of this case, the appellant has failed to establish such bias and having submitted to the jurisdiction of the Appellate Authority, the principles of waiver and acquiescence, would also come into play.

25. In view thereof, we do not find any illegality, irregularity or perversity in the judgment and order dated 06.03.2024. Accordingly, the present Letters Patent Appeal is dismissed.

26. Before parting, we would like to record our appreciation for the valuable assistance rendered by Mr. Amar Vivek Aggarwal, Advocate (*Amicus Curiae*).

27. Pending application(s), if any, shall also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

04.11.2025
dinesh

Whether speaking/reasoned	: Yes
Whether Reportable	: No