

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-16639-2021 (O&M)

Decided on 08.09.2025

Naresh Kumar

... Petitioner

VS.

General Manager/Reviewing Authority, Canara Bank & Ors. ... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. VD Sharma, Advocate for the petitioner

Mr. Nitin Gupta, Advocate for the respondents

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuing a writ of certiorari quashing the impugned orders dated 31.12.2016 (Annexure P4) passed by the Disciplinary Authority vide which major penalty of reduction to lower stage in time scale of pay by two stages with future effect has been imposed upon the petitioner as well as the order dated 13.10.2017 (Annexure P6) and order dated 30.10.2018 (Annexure P8) vide which appeal and review petition filed by the petitioner have been rejected.

(2). The petitioner joined as Clerk in the respondent-Bank on 26.04.1986 and retired as Manager on 30.11.2020. While serving as Manager at the Regional Office, Karnal, he was charge-sheeted for acts of misconduct allegedly committed during his posting as Manager at Julana Branch Office from 29.05.2015 to 21.08.2016. The main allegations included: operating from a third place (Jind) without written permission from the competent authority; misuse of his OD Account No. 0200254000212 for purposes other than personal use, involving abnormal transfers to a borrower's account; and drawing house rent allowance for a residence he purportedly never occupied,

with further discrepancies found in the landlord's signatures on rent receipts. After a departmental inquiry, the Disciplinary Authority imposed the punishment of reduction to a lower stage in the time scale of pay by two stages for one year, with resulting postponement of future increments, vide order dated 31.12.2016. The petitioner's subsequent appeal and review petitions were also dismissed on 13.10.2017 and 30.10.2018, respectively, prompting him to approach this Court for relief against the disciplinary action taken.

(3). Learned counsel for the petitioner contends that the principal allegation concerns failure to protect the interest of the Bank, allegedly contravening Regulation 3(1) read with Regulation 24 of the Canara Bank Employees (Conduct) Regulations, 1976, an offence punishable under the Discipline & Appeal Regulations. It is submitted that the Inquiry Officer, in the concluding findings, specifically recorded that the petitioner had not contravened these regulations and, therefore, had not committed any misconduct, rendering the impugned disciplinary orders inconsistent with the inquiry report.

(4). Counsel further argues that the charge-sheet was issued on the complaint of Shri Ramesh Kumar Jain, a panel advocate of the Bank, who was himself allegedly involved in corrupt and unethical practices. It is urged that the core allegation regarding the petitioner's operation from a third place, without written permission, does not amount to misconduct within the meaning of the relevant rules or law, especially in light of the petitioner's unblemished service record spanning 34 years. It is also contended that no entry exceeding Rs.25,000/- was made in the petitioner's overdraft account arising from sale of

movable or immovable property, obviating any need for disclosure or information to the authorities regarding such transactions.

(5). Written statement has been filed on behalf of respondents No.1 to 3 wherein it has been averred that a charge sheet was issued to the petitioner for certain acts of misconduct and unethical practices while working as Manager at Julana Branch Office and resultantly, out of 11 charges, only charges No. 1, 8,10 & 11 were established. It is further urged that in conclusion of findings of Inquiring Authority, the Authority has specifically mentioned about his non-involvement in corrupt and unethical practices which is different from the charges proved against him and related to only charges 2, 3, 4, 5 & 7 which are not established against petitioner.

(6). Mr. Nitin Gupta, Advocate for the respondents denied that the disciplinary authority had taken a dissenting opinion as the petitioner misinterpreted the findings of the inquiring authority and wrongly alleged that he was not found guilty of misconduct by the inquiring authority and only the charges No.1, 8, 10 & 11 were proved against the petitioner and as such, the disciplinary authority rightly imposed the punishment upon the petitioner vide the impugned orders.

(7). Having heard learned counsel for the parties, this court is of the considered view that the contention raised on behalf of the petitioner is devoid of merit. It is evident from the material placed on record that the petitioner was subjected to a regular departmental enquiry after being charged with multiple acts of misconduct arising out of his tenure as Manager at Julana Branch, including unauthorized operations from a third place, misuse of his OD account, and irregularity in availing house rent allowance. After comprehensive

proceedings, the Disciplinary Authority, having duly considered the findings of the Inquiry Officer, found the petitioner guilty of major charges and imposed the penalty of reduction in time scale by two stages with future effect which was subsequently affirmed by the Appellate and Review Authorities.

(8). The petitioner's contentions regarding the absence of misconduct and alleged misinterpretation of the inquiry report do not stand legal scrutiny. The findings of the Inquiry Officer clearly distinguish between non-involvement in "corrupt and unethical practices" (which were not established), and the distinct proven charges of unauthorized conduct and regulatory violations, which warranted disciplinary penalties. The arguments advanced by the petitioner rest on selective reading of the inquiry report and do not dislodge the conclusion that material charges against him stood established after due process.

(9). Though Court believes that the penalty imposed by the concerned authority is commensurate with the nature and gravity of the proven misconduct and does not reflect any arbitrariness or procedural infirmity. That apart, this Court cannot sit as an appellate authority, in exercise of its writ jurisdiction, and re-appreciate evidence or substitute its own wisdom for that of the disciplinary or appellate authorities, unless their decisions are shown to be perverse, arbitrary, or tainted by procedural unfairness.

(10). Accordingly, finding no reason to interfere with the well-reasoned and duly affirmed orders passed by the disciplinary, appellate, and review authorities, the writ petition is dismissed. No order as to costs.

08.09.2025

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No