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

CWP-16593 of 2025
Reserved on 30.07.2025
Pronounced on **September 04, 2025**

Vinay Kumar Arya ……..Petitioner

Vs

Sarva Haryana Gramin Bank and another …………Respondents

**CORAM: HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Ganesh Chand Sharma, Advocate
for the petitioner(through VC).
Mr. Saurav Verma, Advocate,
Mr., Anshul Pareek, Advocate,
Ms. Preeti Grover, Advocate for the respondent-SHGB.

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**ROHIT KAPOOR, J.**

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing of the impugned charge-sheet dated 29.04.2025 (Annexure P-1) and the letter dated 30.04.2025 (Annexure P-9) issued by respondent No.1, whereby it has been ordered that the petitioner will cease to be in service on the date of his superannuation i.e. 30.04.2025, but disciplinary proceedings will continue as if he was in service of the Bank until conclusion of the proceedings and his retiral benefits have also been withheld during the pendency of such proceedings, except his own contribution to the Provident Fund. Further prayer has been made for issuance of directions to the respondents to release all retiral benefits including the pension, gratuity and leave encashment, without reference to the impugned charge-sheet.

**FACTUAL MATRIX:**

2 The essential facts required to be noticed for the adjudication of the *lis* involved in the present petition are, that the petitioner was employed as Clerk-cum-Cashier at the Branch Office situated at Old Faridabad, of Gurgaon Gramin Bank, the predecessor-in-interest of the respondent-Bank on 06.06.1988. He continued on the said post till 30.04.2025. A civil suit bearing no. CS/108/2013 was filed before the Court of Civil Judge (Sr. Divn.), Faridabad on 7.5.2013 by one Ramphal, against Gurgaon Gramin Bank, the petitioner and one Surinder Sharma, as defendants No. 1 to 3 respectively. It was *inter-alia* alleged in the plaint, that the plaintiff therein had been approached by the petitioner, who was the Branch Manager of the defendant-Bank alongwith Surinder Sharma-defendant No.3, who allured him to make deposit of Rs.1 Crore to be deposited as a fixed deposit with the defendant-Bank. He issued an account payee cheque bearing No. 278670 dated 04.04.2008 for a sum of Rs.1 Crore and it was assured that the fixed deposit receipt will be issued shortly. However, upon contacting the Bank, the same was avoided on one pretext or the other and he was made to believe that he would get his money back after the maturity period of 3 years.

3. In the month of March 2011, the plaintiff visited the branch of the defendant-Bank at Old Faridabad for encashment of the fixed deposit, at which point he was told that there was no such deposit with the Bank, whereupon he went to his own Banker i.e. Syndicate Bank and it was confirmed that the amount of Rs.1 Crore had been in fact been transferred to the defendant-Bank Branch account on 04.04.2008 and on account of collusion between the petitioner, defendant No. 2 and Surinder Sharma-defendant No.3, the said amount was diverted into the saving account of the said defendant No. 3. The plaintiff then lodged FIR No. 110 dated 11.04.2011

at Police Station Old Faridabad against the then Branch Manager, namely, Vijay Pal Singh and previous Bank Manager, namely, Sh. D.K. Sharma and it is the case of the petitioner that during investigation it was found that the petitioner was not at fault. According to the investigation report (Annexure P-6), the allegations levelled by the complainant-Ramphal against Sh.Surinder Sharma and the employees of the Gurgaon Gramin Bank Ltd. were not confirmed and no truth was found in the same and cancellation report was filed in the aforementioned F.I.R.

4. The trial Court vide its judgment and decree dated 17.11.2017 allowed the suit and decree for recovery of Rs.1, Crore along with interest @ 9% per annum from the date of debiting of the amount from the account of the plaintiff till realization was passed in favour of the plaintiff and against the defendants, who were held jointly and severally liable, to make the payment of the same.

5. Civil Appeal No. CA-759/2017 was filed by the respondent-Bank and the petitioner against the aforementioned judgment and decree dated 17.11.2017 before the first Appellate Court, which was dismissed vide order dated 09.12.2019 by the learned Addl. District Judge, Faridabad. Aggrieved by the judgment and decree dated 17.11.2017 as well as the order dated 09.12.2019, the respondent-Bank has filed Regular Second Appeal No. 228 of 2020 before this Court, which is admittedly pending adjudication. It is also an undisputed fact that in the Execution Petition No. 404 of 2018 filed by the plaintiff through his legal representatives, joint objections have been filed by the petitioner and the respondent-Bank. It is alleged by the petitioner that after more than 17 years from the date of the alleged incident and just days before his retirement, the respondent-Bank issued show cause notice dated

11.04.2025 (Annexure P-7) in the form of a questionnaire, which was duly responded to by the Petitioner by filing a detailed reply and supplementary submissions dated 17.04.2025 (Annexure P-8).

6. Subsequently the impugned charge-sheet dated 29.04.2025 (Annexure P-1) alleging gross misconduct and violation of banking norms and procedures was issued by the respondent bank. In the statement of imputation against the petitioner, it is alleged that the plaintiff-Ramphal had issued cheque bearing No. 278670 dated 04.04.2008 from his saving account maintained in Syndicate Bank in favour of Gurgaon Gramin Bank (now Sarva Haryana Gramin Bank) for an amount of Rs.1 Crore marked as 'account payee'. The proceeds of the said cheque were credited to the account of the Branch Office of the Bank at Old Faridabad, however, the same were transferred on 04.04.2008 to the account of Sh. Surinder Sharma without informing the requisite authority or adhering to the banking procedure. It is alleged that the petitioner prepared the voucher for depositing the cheque in favour of the Bank and upon receipt of the said amount also prepared the transfer voucher for crediting the amount in the account of Sh. Surinder Sharma from the bank's account. It is inter-alia alleged that his conduct has led to prolonged litigation and necessitated the bank to furnish the bank guarantee of Rs.1 Crore to safeguards its interest. As a result and in the event if the appeal is not decided in the favour of the bank, it will be exposed to financial liability aggregating approximately Rs.2.3 Crores, as on date. It is alleged that due to the negligence of the petitioner, in violation of the laid down guidelines, norms and procedures, he has exposed the bank to financial and legal risks.

7. The Petitioner alleges that he received letter dated 30.04.2025 (Annexure P-9), which was in fact ante dated as the same was dispatched on 05.05.2025 and received by him on 08.05.2025. In the letter/order, respondent No.1, while exercising powers conferred under Regulation 45 of the Sarva Haryana Gramin Bank (Officers and Employees), Service Regulation 2010, hereinafter referred to as the 'Service Regulations of 2010', has decided that the petitioner shall cease to be in service on the date of his superannuation i.e. 30.4.2025, but disciplinary proceedings will continue as if he was in the service of the Bank, until the proceedings are concluded and the final order is passed. It was further ordered that the petitioner shall not be entitled for any pay/allowance after the date of superannuation nor he will be entitled for payment of any retiral benefits, until the proceedings are completed, except his own contribution to Provident Fund.

8. It is alleged by the petitioner that he attained 60 years of age on 12.05.2025, however, the bank chose 30.04.2025 as his retirement date and arbitrarily issued charge-sheet and ceased his service, depriving him of salary and post retiral and terminal benefits.

**CONTENTIONS OF THE PARTIES:**

9. The learned counsel appearing on behalf of the petitioner has argued that the impugned action of the respondent-Bank issuing charge-sheet dated 29.04.2025 (Annexure P-1) and letter/order dated 30.04.2025 (Annexure P-9) is patently illegal and arbitrary, since the respondent-Bank was very well aware about the entire sequence of events for the past 17 years and to the contrary was jointly defending the matter alongwith the petitioner. It is contended that the respondent-Bank filed an appeal against the judgment and decree of the trial Court, as well as objections in the execution petition

before the Executing Court, jointly with the petitioner. It is also submitted that no relief whatsoever has been sought against the petitioner, by the respondent-Bank in the Regular Second Appeal filed by it before this Court. It is further argued that the petitioner is only being made a scapegoat on account of the fact that the trial Court and the first Appellate Court have held the defendants jointly and severally liable and on the mere apprehension of an unfavourable decision in the Regular Second Appeal filed by the respondent-Bank, it has chosen to issue the impugned charge-sheet and has passed the order dated 30.04.2025, wrongly withholding his retiral benefits. It is contended that the action of the respondent-Bank is in violation of the principles of natural justice besides being hit by the doctrine of delay and *waiver*. It is also urged that the impugned charge-sheet has been issued in violation of Regulation 39 of the Services Regulations of 2010, which does not contemplate such delayed initiation of disciplinary action, especially after retirement. It has been brought to the notice of this Court that the internal inspection report of the respondent-Bank dated 30.03.2011 (Annexure P-10), exonerates the petitioner and discloses no misconduct. The learned counsel appearing for the petitioner has relied upon a recent judgment of the Hon'ble Supreme Court in '**Amresh Shrivastava Vs. The State of Madhya Pradesh & Ors**.' **2025 INSC 417**, to contend that the Supreme Court has held that where there was unexplained and inordinate delay in initiating departmental proceedings, despite the alleged misconduct being within the knowledge of the Department, that itself be a ground for quashing the charge-sheet.

10. Per contra, the learned counsel appearing for the respondent-Bank has argued that in terms of the provisions of the Service Regulations of 2010, particularly Regulations 39 and 45, the respondent-Bank has rightly

issued the impugned charge-sheet, after following due procedure. It is argued that the writ petition filed by the petitioner is pre-mature, as the disciplinary proceedings are pending and he is estopped from raising challenge thereto after having participated in the same, as is evident from the fact that admittedly a detailed reply dated 17.04.2025 and supplementary submissions dated 23.04.2025, have been filed by the petitioner in response to the show cause notice dated 11.04.2025. Learned counsel for the respondent-Bank has further argued that the petitioner has been found to be involved in multiple acts of omission and commission and has brought to the notice of this Court order dated 18.6.2025, whereby he was found guilty of failing to work with due diligence and thereby causing the bank to face litigation as well as apprehended financial loss of Rs.62,84,492/-. Resultantly, he was punished by the Disciplinary Authority by imposing minor penalty of 'reduction by two stages in his time scale of pay, i.e. lowering down his basic pay from Rs.1,11,240/- per month to Rs.1,05,280/- per month, as on the date of his superannuation i.e. 30.4.2025, without cumulative effect. It is further argued that mere joint filing of the appeal against the judgment and decree of the trial Court. would not act as an estoppel against the respondent-Bank to initiate disciplinary action against the petitioner, especially when it has been found that the petitioner is guilty of negligence and misconduct, exposing the respondent-Bank to huge legal and financial risks. Learned counsel appearing on behalf of the respondent-Bank has argued that the judgment of the Supreme Court in Amresh Shrivastava's case (supra) is not applicable to the facts of the instant case. He submits that it was clearly observed by in paragraph 17 of the judgement that there may be cases where the Department was not even aware of such irregularities, or the misconduct, which is of such a nature that it is indicative, based on material consideration of factors other than merit, such as extraneous influences and gratifications. In such cases, such a delay, by itself would not be a valid ground to scuttle the initiation of the process of departmental proceedings. Learned counsel for the respondent-Bank places reliance upon the judgment of the Hon'ble Supreme Court in '**Chairman-cum-Managing Director, Mahanadi Coalfields Ltd. Vs. Sri Rabindranath Choubey', (2020) 18 SCC 71**, wherein it has *inter-alia* been held that in cases where disciplinary proceedings are initiated before superannuation, the employer has a right to withhold the payment of gratuity till such proceedings are completed and that the disciplinary proceedings can be continued even after the retirement of a delinquent employee and further that employee is deemed to be in service for the purposes of continuance of disciplinary proceedings. Superannuation is no ground to close the departmental enquiry without making any findings on merits. He also points out that the closure report in the F.I.R. had not been accepted by the competent court, as specifically mentioned in the judgement of the courts below, in the civil proceedings. It is ultimately submitted that the present writ petition be dismissed on these grounds.

**ANALYSIS AND CONCLUSION**:

11. Although no formal notice was issued when the matter was taken up by the Co-ordinate Bench of this Court on the earlier date of hearings, however, the learned counsel for the parties are *ad-idem* that on account of the limited controversy involved in the present petition, the arguments can be heard and the matter can be decided on the basis of the material available on record.

12. I have heard the learned counsel for the parties and have gone through the documents appended with the petition with their able assistance.

13. Before adverting to the arguments raised and adjudicating the issue involved, it is necessary to notice some of the applicable statutory provisions. The respondent bank is a creation of a statute i.e. 'the Regional Rural Banks Act, 1976'. Section 30 thereof reads as under:-

*"30. Power to make regulations.—4 [(1)] The Board of directors of a Regional Rural Bank may, after consultation with the Sponsor Bank and the National Bank, and with the previous sanction of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.*

*[(2) Every regulation shall, as soon as may be after it is made under this Act by the Board of directors, be forwarded to the Central Government and that Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]*"

It is in exercise of the powers under Section 30 of the above Act, that "Sarva Haryana Gramin Bank (Officers and Employees) Service Regulations, 2010" have been made. The relevant regulations are reproduced hereunder:

*"39. Penalties.*

*- Without prejudice to the foregoing regulations of this Chapter, an officer or employee who commits a breach of these regulations or who*

*displays negligence, inefficiency or indolence or who commits acts detrimental to the interests of the Bank or in conflict with its instructions, or who commits a breach of discipline or is guilty of any other acts of misconduct, shall be liable for any one or more penalties as follows, namely, -*

*1. Officers :*

*(a)Minor Penalties(i)censure;(ii)withholding or stoppage of increments of pay without cumulative effect;(iii)withholding of promotion;(iv)recovery from emoluments or such other amounts as may be due to him, of the whole or part or any pecuniary loss caused to the Bank by negligence or breach of orders;(v)reduction to a lower stage in time scale of pay for a period not exceeding two years without cumulative effect;(b)Major Penalties:(i)save as provided in item (v) of clause (a) of sub-regulation (1) of regulation 39, reduction to a lower stage in time scale of pay for a specified period with further directions as to whether or not the officer shall earn increments of pay during the period of such reduction and whether on expiry of such period the reduction shall or shall not have the effect of postponing the future increments of his pay;(ii)reduction to a lower grade or post;(iii)compulsory retirement;(iv)removal from service which shall not be a disqualification for future employment;(v)dismissal which shall ordinarily be a disqualification for future employment. Explanation. - For the purposes of this regulation, - the following shall not amount to be a penalty, namely,- (i)withholding of one or more increments of an officer on account of his failure to pass a departmental test or examination in accordance with the terms of appointment to the post which he holds;(ii)stoppage of increment(s) of an officer at the efficiency bar in a time scale on the grounds of his unfitness to cross the bar;(iii)not giving an officiating assignment or non-promotion of an officer to a higher grade of post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;(iv)reserving or postponing the promotion of an officer for reasons like completion of certain requirement for promotion or pendency of disciplinary proceedings;(v)reversion to a lower grade or post of an officer officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds*

*unconnected with his conduct;(vi)reversion to the previous grade or post of an officer appointed on probation to another grade or post during or at the end of the period of probation, in accordance with the terms of his appointment or rules, or orders governing such probation;(vii)reversion of an officer on deputation to his parent organization;(viii)termination of service of an officer, -(a)appointed in a temporary capacity otherwise than under a contract or agreement on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;(b)appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and(c)as part of retrenchment: Provided that no minor penalties as specified in items (i) to (v) of clause (a) of sub-regulation (1) of regulation 39, shall be imposed by the Competent Authority unless the officer is given a notice in writing,(i)informing him of the grounds on which it is proposed to impose the said penalties;(ii)giving him a reasonable opportunity for making a statement of defence in writing within a period of 15 days from the date of receipt of notice, and statement of defence, if any, submitted by the Officer shall be taken into consideration and of being heard. Provided further that no order in imposing any of the major penalties specified above, shall be made except by an order in writing signed by the Competent Authority and no such order shall be passed without the charge or charges being framed in writing and given to the officer and enquiry held so that he shall have reasonable opportunity to answer the charge or charges and defend himself. Provided further that no enquiry shall be made, if,(i)the misconduct in such cases even if proved, the Bank does not intend to impose the punishment of removal or dismissal; and(ii)the Bank has issued a show cause notice to the officer advising him of the misconduct and the punishment for which he may be liable for such misconduct; and(iii)the officer makes a voluntary admission of his guilt in his reply to the aforesaid show cause notice;*

*2. Employees:*

*(a)Minor Penalties :(i)censure;(ii)recording of adverse remarks against him;(iii)withholding of increments for a period not exceeding six months;(b)Major Penalties:(i)fine;(ii)withholding of increment(s) for a period exceeding 6 months;(iii)withdrawal of special allowance;(iv)reduction*

*of pay to next lower stage upto a maximum period of two years in case the staff has reached the maximum in the scale of pay;(v)removal from service which shall not be a disqualification for future employment;(vi)dismissal: Provided that no major penalties as specified in items (i) to (vi) of clause (b) of sub-regulation (2) of regulation 39 shall be imposed by the Competent Authority unless, -(i)an order in writing signed by the competent authority and no such order shall be passed without the charge(s) being framed in writing and given to the employee and enquiry held;(ii)giving him reasonable opportunity to answer the charge(s) in writing, and defend himself. Provided further that an enquiry need not be held if, -(i)the misconduct is such that even if proved, the Bank does not intend to impose punishment of removal or dismissal; and(ii)the Bank has issued a show cause notice to the employee advising him of the misconduct and the punishment for which he may be liable for such misconduct; and(iii)the employee makes a voluntary admission of his guilt in his reply to the aforesaid show cause notice.*

*45. Disciplinary proceedings after retirement.*

*(1)An officer or employee who is under suspension on a charge of misconduct and who attains the age of superannuation, shall be deemed to be in service even after the age of superannuation for the specific purpose of continuation and conclusion of the disciplinary proceedings and issue of final orders thereon.(2)The officer or employee who is under suspension shall not be eligible for any subsistence allowance for the period beyond the date of superannuation.(3)The officer or employee against whom disciplinary proceeding has been initiated shall cease to be in service on the date of superannuation but the disciplinary proceeding shall continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof.(4)The officer or employee against whom disciplinary proceedings has been initiated shall not receive any pay and/or allowances after the date of superannuation and also not be entitled for the payment of retirement benefits till the proceeding is completed and final order is passed thereon except his own contribution to Contributory Provident Fund (CPF).Explanation. - For the purposes of this regulation, the normal retirement benefits such as encashment of privilege leave and Gratuity may be withheld till the completion of the disciplinary proceeding and passing of*

*final order by the Competent Authority and the release of benefits shall be as per the final order of the Competent Authority.*

*50. [ Appellate authority. [Amended vide Notification dated 05th July, 2013, bearing No. HGB/HRD/2013/3195, published in Gazette of India vide No. 202 on July 29, 2013, came into force from the date of publication in the Gazette of India.]*

*- An appeal shall lie before, -(i)The Board, where the Chairman is Competent Authority;(ii)The Chairman, where the General Manager is Competent Authority; and(iii)The General Manager, where the Competent Authority is decided by the Board under sub-clause (iii) of clause (g) of sub-regulation (1) of regulation 2.]"*

14. From the rival contentions of the parties, the following points emanate, which require determination:-

*i) Whether the impugned action of the respondent-Bank is in consonance with the statutory Service Regulations?*

*ii) Whether the present petition is not maintainable being pre-mature, since the same has been preferred only against show cause notice/charge-sheet?*

*iii) Whether the petitioner is estopped from challenging the impugned charge-sheet and order, after having filed his detailed response and written submissions?*

*iv) Whether the inordinate and unexplained delay of 17 years in issuing the impugned charge-sheet, would in itself is a ground for setting aside the same?*

15. As regards the first three points are concerned, the same are being discussed and determined collectively. A perusal of the statutory Regulations and by applying the principles laid down by the Supreme Court in Mahanadi Coalfields' case supra, it cannot be doubted that the respondent-Bank is well within its rights to issue a show cause notice and charge-sheet and to continue with the disciplinary proceedings post-retirement also. However, what is to be seen is whether the impugned charge-sheet and order

withholding the retiral benefits till conclusion of the disciplinary proceedings, can be challenged, in the peculiar facts and circumstances involved in the present case. It is settled law that mere show cause notice/charge-sheet does not give rise to any cause of action, because it does not amount to adverse order affecting the rights of any party, unless the same has been issued by a person having no jurisdiction to do so. The writ jurisdiction under Article 226 of the Constitution of India should not ordinarily be exercised by quashing the show cause notice or charge-sheet. However, the said discretion may be exercised in exceptional circumstances when there are strong and valid reasons for the same, and issuance of the charge-sheet is illegal.

16. From a perusal of the statement of imputation appended with the impugned charge-sheet dated 29.04.2025 (Annexure P-1), it is clear that the same has been issued alleging the acts of omission and commission pertaining to the dispute which was the subject matter in the civil suit before the trial Court at Faridabad, wherein the petitioner alongwith one Surinder Sharma were held jointly and severally liable for the unauthorized transfer and the alleged misappropriation of amount of Rs.1 Crore. What is interesting to note is that the Bank chose to file a joint appeal against the judgment and decree of the trial Court and perusal of the grounds of appeal (Annexure P-3) would clearly indicate that it was the respondent-Bank's categoric stand that the petitioner was not involved in any kind of wrong doing. It would be apposite to reproduce ground No.iv hereinunder:-

*"A grave injustice has been done to the appellants - defendants No.1 & 2 by returning the findings under issue No. 1 and issues Nos. 2 to 4 against the defendants and in favour of the plaintiff to the effect that the appellants along with the defendant No. 3 are jointly and severally to make good the loss for a sum of Rs.1,00,00,000/- along with interest @9% p.a. from*

*the date of debit (04.04.2008) till its realization. It is respectfully submitted that as per account statement (Ex. P-1 & PW-3/C) brought on court record by the plaintiff, he is holding his Savings Bank A/c. No. 82142210000378 with Syndicate Bank, Branch: NIT, Faridabad. It is submitted that the plaintiff himself has brought on record the account statement (Ex.PW-4/A), pertaining to account No. xxxxx436 in the name of Gramin Bank, Branch: Old Faridabad also with Syndicate transferred to A/c. No. xxxxx436 of "Gramin Bank" against some instrument bearing No. 278670 dated 04.04.2008 A/c. Ramphal.*

*As per the transaction dated 04.04.2008 reflected in account statement Ex.P-1 (Ex.PW-3/C), a sum of Rs. 1,00,00,000/- is found to be transferred from Savings Bank account No. xxxxx378 of one Ramphal against some instrument No. 278670. It is submitted that cheque No.278670 dated 04.04.2008, drawn on Syndicate Bank in favour of "G.G. Bank" (Ex.P-2 & PW-3/A) was neither received by Gramin Bank at branch: Old Faridabad nor the plaintiff visited to its branch or tendered the alleged cheque to any official of Gram Bank, Branch: Old Faridabad, on 04.04.2008 at all. So there was no occasion for the appellant No.1 bank or its official or to the appellant No.2 Vinay Arya to make any endorsement with seal & signature for the purposes of collection & encashment. Therefore, the findings of the learned lower court in para No.22 of the impugned judgment and decree are altogether inconsistent and contrary to the evidence brought on court record by the plaintiff himself."*

17. It is also borne out from the record that joint objections have been filed by the respondent-Bank alongwith the petitioner, against the execution petition filed by the plaintiff, before the Executing Court. The contention of the learned counsel for the petitioner that no relief is sought against the petitioner in the Regular Second Appeal by the respondent-Bank, is also not controverted.

18. In the backdrop of the aforementioned factual matrix, it cannot be said that the writ petition of the petitioner is pre-mature and is to be thrown

out at the threshold, nor would the doctrine of estoppel come into play, under such circumstances.

19. Perusal of the reply and the supplementary submissions submitted by the petitioner in response to the show cause notice would only go on to show, that he has objected to such a belated initiation of disciplinary action against him, especially when the respondent-Bank was fully aware of the incident in question since 2011, when the FIR was first registered and to the contrary the Bank has been defending the petitioner in the civil proceedings before the trial Court and the first Appellate Court. Therefore the first three points are answered against the respondent bank and in favour of the Petitioner.

20. As regards the fourth issue, i.e. whether the delay in the issuance of the charge-sheet and consequential order dated 30.04.2025, is a ground for stopping the same at the initial stage itself, this Court finds that in the aforementioned facts and circumstances of the case, the answer to the said question would have to be in the affirmative. It would be gainful to extract the relevant paragraphs from the judgement of the Hon'ble Supreme Court, in **Amresh Shrivastava's** case (supra), which read as under :-

> "*17. As to the second question, regarding whether delay is a ground for stopping the departmental proceedings at the stage of the chargesheet itself, suffice it to say that this varies from case to case. However, in the instant case where there is unexplained inordinate delay in initiating departmental proceedings despite the alleged misconduct being within the knowledge of the department, but still no departmental proceedings are initiated, the answer must go in favour of the employee. However, there may be cases where the department was not even aware of such irregularities or the misconduct, which is of such a nature that it is indicative, based on*

*material considerations of factors other than merit, such as extraneous influences and gratifications. In such cases, such a delay, by itself would not be a valid ground to scuttle the initiation of the process of departmental proceedings.*

*18. Reference in this regard can be made to the decision of this court in State of Madhya Pradesh vs. Bani Singh and Another, wherein the court noted that there was no reason to interfere with the quashing as the disciplinary proceedings were initiated after 12 years of delay. A reference should also be made to the decision of this Court in P.V. Mahadevan vs. MD, T.N. Housing Board5, where it has been reiterated that continuing the departmental proceedings after an undue delay would be unjust, causing unnecessary mental distress and damaging the reputation of the employee for the mistakes committed by the department in initiating disciplinary proceedings.*"

21. Although the Hon'ble Supreme Court has sounded a word of caution that there may be cases, where a long and unexplained delay, by itself would not be a valid ground to scuttle the initiation of the process of departmental proceedings. However, in my considered opinion, the respondent-Bank has taken a consistent stance regarding the non-involvement of the petitioner in any kind of wrong doing in the alleged incident since the very inception. In that view of the matter, it cannot now, at such a belated stage, be permitted to do a complete somersault and to issue the impugned charge-sheet and pass the impugned order dated 30.04.2025 withholding the retiral benefits of the petitioner, only on the ground of an apprehension that it may suffer financial loss, in the event the decision in the pending Regular Second Appeal, may go against it. Such an action is wholly illegal and arbitrary. Accordingly, the fourth point is also answered in favour of the petitioner.

22. In view of the above discussion, the present petition is allowed and the impugned charge-sheet dated 29.04.2025 (Annexure P-1) and letter/order dated 30.04.2025 (Annexure P-9) are set-aside and the respondents are directed to release the retiral benefits to the petitioner, in accordance with law. It is, however, made clear that these directions are with reference to the disciplinary proceedings challenged in the present petition and would not have any bearing on the rights of the parties qua any other disciplinary proceedings pertaining to the petitioner, that may be pending or which may have attained finality.

**(ROHIT KAPOOR)**
**JUDGE**

**September 04, 2025**
*ajaysharma*

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No