



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

Date of decision: 18.08.2025

CWP-31127-2018

SHIKHA PATHANIA

.....Petitioner

VERSUS

PUNJAB AND SIND BANK AND OTHERS

.....Respondents

CWP-28804-2018

CHARANJEEV JOSHI

.....Petitioner

VERSUS

PUNJAB AND SIND BANK AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. H.C. Arora, Advocate
for the petitioner(s).

Mr. R. Kartikeya, Advocate and
Ms. R. Akanksha, Advocate
for the respondent-Bank.

VINOD S. BHARDWAJ, J. (Oral)

Two officials who have been charge sheeted for same departmental lapse have filed both these writ petitions against the separate orders imposing punishment, hence, they are being decided together.

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2. For the facility of reference facts are however been extracted from CWP-31127 of 2018 titled “*Shikha Pathania versus Punjab and Sind Bank and others*”.

3. The present writ petition assails the enquiry report dated 17.10.2017, the consequential order of punishment dated 27.11.2017 whereby major penalty of reduction of one stage in the time scale of pay was imposed by the Disciplinary Authority as well as the order dated 12.03.2018 whereby the Appellate Authority dismissed the appeal preferred by the petitioner.

4. Learned Counsel appearing on behalf of the petitioner contends that the petitioner was working as a Probationary Officer at Branch Office, IDB, Ludhiana during the period 10.02.2014 to 03.02.2016. She was served with a charge sheet on 16.03.2017 levelling the following allegations:-

“Ms. Shikha Pathania, Officer (\$30625) during her tenure at B.O. IBD Ludhiana from 10.02.2014 to 03.02.2016 has committed serious lapses/ irregularities in recommending the proposal for sanction of PCA for Rs.174.85 lac in the account of M/s PSB Manufacturing Co. Ltd. even when there was overdue in the account due to returning of 12 cheques purchased from the party on 30.09.2015.

Ms. Shikha Pathania, Officer committed lapses/irregularities, which constitute misconduct as per clause 3(1) and 3(3) read with Regulation (24) of Punjab & Sind Bank Officer Employees (Conduct) Regulations, 1981.

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3 (1) Every officer employee shall, at all times take all possible steps to ensure and protect the interests of the Bank and discharge his/her duties with utmost integrity, honesty, devotion and diligence and do nothing which is unbecoming of an officer employee.

3 (3) No officer employee shall, in the performance of his/her official duties or in the exercise of power conferred on him/her, act otherwise than in his/her best judgment except when he/she is acting under the direction of his/her superior official. Provided wherever such directions are oral in nature the same shall be confirmed in writing by superior official.

24 A breach of any of the provisions of these Regulations shall be deemed to constitute misconduct punishable under the Punjab & Sind Bank Officer Employees' (Discipline and Appeal) Regulations, 1981.

D.D. Sharma

GENERAL MANAGER (HRD)

(DISCIPLINARY AUTHORITY)

Ms. Shikha Pathania, Officer while working at B.O. IBD Ludhiana from 10.02.2014 to 03.02.2016 committed the following lapses/ irregularities in recommending the proposal for sanction of PCA for Rs.174.85 lacs in the account of M/s PSB Manufacturing Co.Ltd. :-

- 1. She recommended the proposal to the sanctioning authority vide Office Note dated 29.12.2015 inspite of the fact that there was overdue in the account due to returning of 12 cheques amounting to*

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Rs.56.50 lac purchased from the party on 30.09.2015,.

2. *She did not mention aforesaid irregularity in the Office Note dated 29.12.2015 instead NIL discrepancy was mentioned.*

5. In response to the charge-sheet, the petitioner submitted a detailed reply. However, notwithstanding the said reply, the authorities deemed it appropriate to initiate a regular departmental enquiry. Pursuant thereto, the Enquiry Officer, after conducting the proceedings, submitted his report dated 10.10.2017, wherein it was held that the charges levelled against the petitioner stood fully proved.

6. Upon receipt of the said enquiry report, a show cause notice was issued to the petitioner, affording an opportunity to submit her comments. The petitioner, in due course, furnished her representation assailing the findings recorded by the Enquiry Officer.

7. The Disciplinary Authority, after considering the same, proceeded to pass an order dated 27.11.2017, imposing upon the petitioner the major penalty of reduction to a lower stage in the time scale of pay by one stage for a period of one year. Aggrieved thereby, the petitioner preferred an appeal before the Appellate Authority, i.e., the Executive Director (HRD), on 25.01.2018. The said appeal, however, came to be dismissed vide order dated 12.03.2018. Hence, the present petition.

8. Learned counsel for the petitioner contends that the petitioner was the junior-most officer in the Branch and was only at the initial stage of

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her service career at the time of being posted at the Branch Office, IBD, Ludhiana. It is submitted that the Office Note dated 29.12.2015, recommending the grant of PCA to the extent of ₹174.85 lakhs in favour of M/s PSB Manufacturing Company was in fact prepared by one Shri Charanjeev Joshi, the petitioner in CWP No. 28804 of 2018, who was then serving as Manager, and that such preparation was undertaken under the direct instructions and guidance of the Branch Manager. The petitioner, it is argued, merely appended her signatures thereto on the asking of the said Senior Officer, in good faith and without any independent role in the preparation of the recommendation. It is further argued that, while preparing the Office Note for sanctioning PCA, the responsibility of reporting discrepancies, if any, rested with the Branch. The alleged failure of the petitioner in not mentioning the overdue arising from the return of twelve cheques amounting to Rs. 56.50 lakhs, it is submitted, was already within the knowledge of the Branch Manager. Hence, it cannot be alleged that there was any misstatement or concealment on the part of the petitioner. Counsel emphasises that the Branch Manager himself had purchased cheques amounting to Rs.62 lakhs on 30.09.2015 under his own ID and password, and that such cheques were not even presented in clearing and were kept in his custody under lock and key. In these circumstances, it is submitted, no concealment can be attributed to the petitioner. It is also argued that the respondent-authorities has not initiated any action against the Chief Manager-Paramjit Singh, at whose instance the petitioner's signatures were obtained and hence, a discriminatory behavior was resorted to by the

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respondent-Bank in penalizing the petitioner for a minor lapse and that on good faith.

9. Responding to the above, learned counsel appearing for the respondents submits that the petitioner was rightly served with a charge-sheet on account of the lapses committed by her in recommending the proposal for sanction of PCA to the extent of Rs. 174.85 lakhs in the account of M/s PSB Manufacturing Company Limited, without exercising due care and caution. It is argued that the petitioner failed to disclose the irregularities pertaining to the overdue in the account arising from the return of twelve cheques aggregating to Rs. 56.50 lakhs. On the contrary, in the column specifically requiring disclosure of irregularities, the petitioner had recorded “nil discrepancy.” It is further submitted that, in view of the said omissions, disciplinary proceedings were validly and rightly initiated. A charge-sheet was duly served upon the petitioner, to which she filed a reply. A complete and fair opportunity to defend herself was afforded to the petitioner. However, she chose not to adduce any evidence in support of her defence or to substantiate the allegations as well as the defence now being projected. Upon due consideration of the material on record, the Enquiry Officer recorded categorical findings holding that the petitioner had recommended the proposal to the sanctioning authority vide Office Note dated 29.12.2015, despite the account being overdue on account of the return of twelve cheques amounting to Rs.56.50 lakhs, purchased from the party on 30.09.2015. As regards the defence raised by the petitioner that the fact of cheque purchases was within the knowledge of the senior officials, the

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Enquiry Officer, after analysing the proceedings, reported that the petitioner herself was aware of the dishonour of the cheques. Notwithstanding such knowledge, she failed to report the irregularity, thereby rendering the charge against her fully established. The findings recorded by the Enquiry Officer is extracted as under:-

1. The charge against the CSO was that she had recommended the proposal to the sanctionin authority vide office note dt. 29/12/2015 inspite of the fact that there was overdue in the account du to returning of 12 cheques amounting to Rs. 56.50 Lacs purchased from the party on 30/09/2015. The CSO had admitted in her reply that this office note was prepared by Sh. Charanjeev Joshi, Manager under the direct instructions of Sh. Paramjit Lal, Chief Manager, in her presence. And she signed on relying on the wisdom of senior officials. As cheque purchase was very within the knowledge of the senior official i.e. Paramjit Lal, who had purchased these cheques under his user ID & password & to presented the same in clearing immediately. The CSO had submitted DEX 3 wherein on 18/12/2015 they pointed out that they have reported all the overdues but inspite of this senior officers allowed to purchase of bills amounting to Rs. 209.17 Lac to the party. If the senior officers had not allowed the facility then this problem had not arise at all. So, Bank had issued charge sheet to all the army officials.

From the proceedings held on different dates & reply submitted by CSO it is amply clear that this irregularity of returning of cheques was within the knowledge of CSO as well as senior officials, so she

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cannot absolve herself of the charge by not reporting the overdue amount in the office note prepared on 29.12.2015. So, the charge against CSO stands fully proved.

2. From the proceedings held on different dates & CSO reply it is clear that this irregularity was within in the knowledge of senior official. Sh. Paramjit Lal, Chief Manager, himself had purchased the cheques & not presented the same in clearing. if he wish he can refuse the PC facility to the party. But as all these officials were from IBD, Ludhiana so it was supposed from IBD, Ludhiana officials to point out the irregularity if any persisting in the account. But these officials have failed to point out the same in office note prepared on 29/12/2015. Besides this PO had pointed out some PCs were overdue on the date of this office note & CSO failed to mention the same in the office note prepared on 29/12/2015. So, the second charge of reporting NIL discrepancy against the CSO stands fully proved.

10. It is further submitted that, upon receipt of the enquiry report, the same was duly furnished to the petitioner and her comments were invited thereon. After due consideration of the reply so submitted, the Disciplinary Authority proceeded to pass the order of punishment. The said order was thereafter assailed by the petitioner in appeal. The Appellate Authority, upon examining all submissions advanced by the petitioner, found no merit therein and accordingly upheld the order passed by the Disciplinary Authority. The operative part of the order passed by the Appellate Authority reads thus:-

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"The Appellant has raised contention that the arbitrary findings of the Inquiring Authority (IA) accepted by Disciplinary Authority without application of mind & Without any discussions on Admitted Evidence of Defence submitted by the Appellant in the Inquiry. despite the fact that Appellant was never the Sanctioning Authority at B/0 IBD-Ludhiana and all the alleged lapses mentioned in the charge sheet were already known to the Sanctioning Authority as well as to all the other 3 Officials who had signed on the alleged office-note. The Appellant has raised contention that the inquiry was ordered with a pre-mind, merely to give an opportunity to the Appellant to dispel the conclusion already drawn against her. The Appellant has contended that she has nothing to do with alleged office note dated 29.12.2015 because it was neither prepared by her nor she recommended the proposal yet she obediently signed on it as instructed by the BM. The Appellant has raised contention that in spite of discrepancies, Office-Note dated 18/12/2015 was sanctioned by Sh. Paramjit Lal-CM & Sh. Balbir Singh-AGM and had the said party not been accommodated on 18/12/2015, this incident of 29/12/2015 to allow fresh PCA for Rs. 174.85 Lac would not have happened.

I, being the Appellate Authority, have observed that the Inquiry was conducted according to the regulations and principles of natural justice were adhered to. The Disciplinary Authority considered the case together with Inquiry Findings, comments of the Appellant and other related records of the case before issuing final order against the Appellant. The Appellant's contention that the

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information of these alleged lapses mentioned in the Charge Sheet were in the knowledge of the senior officials of the branch is not tenable as the same does not absolve the Appellant of her responsibilities. The Appellant's contentions that the inquiry was ordered with a pre-mind, merely to give an opportunity to the Appellant to dispel the conclusions already drawn against her is not tenable as the purpose of the Inquiry is to find the truth behind the allegations on the basis of the evidences produced in the Inquiry. The Appellant's contention that the proposal was neither prepared by her nor she recommended the proposal yet she obediently signed on it as instructed by the BM has no ground as signing on any document itself means, that the official is agreeing to the terms and conditions mentioned in the said document. The Appellant vide Branch Office note dated 29.12.2015 recommended the proposal to the sanctioning authority for release of PCA of Rs. 174.85 Lacs inspite of the fact that the irregularity of returning 12 cheque amounting to Rs.56.50 lacs purchased from the party on 30.09.2015 was within the knowledge of the Appellant. Further the Appellant reported NIL discrepancy on Branch office note dated 29.12.2015 despite knowing of the irregularities persisting in the account of M/s PSB Manufacturing Co.

I, being the Appellate Authority, do not find any reason to interfere in the order passed by the Disciplinary Authority. The appeal does not merit any relief. I, therefore, uphold the order passed by the Disciplinary Authority and reject the appeal."

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11. Learned counsel for the respondents contends that the entire procedure prescribed in law has been meticulously adhered to. It is submitted that this Hon'ble Court, in exercise of its writ jurisdiction, would not ordinarily intervene to sit in appeal over the findings or orders of the Disciplinary Authority, unless there is a demonstrable perversity, illegality, procedural impropriety, or established malice or bias on record. It is emphasized that no such allegations have been made in the present case. Counsel further submits that the contention of the petitioner regarding alleged discriminatory treatment is factually untenable. It is pointed out that a major penalty of reduction to a lower stage in the time scale of pay by two stages, with a further direction that such reduction would adversely affect pension and terminal benefits, had been imposed upon the Chief Manager, Shri Paramjit Singh, by the Disciplinary Authority on 22.09.2017. Accordingly, it is submitted that there has been no exoneration of the Senior Manager, who was the approving authority, and therefore, the claim of discrimination against the petitioner lacks merit. Punishment has also been imposed on the Manager Charanjeev Joshi.

12. It is further submitted that analogous contentions have been advanced in the matter of Shri Charanjeev Joshi, with the sole distinction that Shri Joshi held the position of Manager at the relevant time.

13. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present writ petition.

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14. This Court observes that a substantial emphasis has been placed by the petitioner on the contention that a discriminatory approach was adopted by the respondents, inasmuch as the petitioner alone was proceeded against while the Chief Manager and the Manager were not proceeded against. Upon a careful examination of the record, it is noted that such contention is devoid of merit, particularly in light of the specific order dated 22.09.2017, whereby the Chief Manager was subjected to a major penalty alongwith order against Manager as well. It is further observed that the petitioner's plea that she merely countersigned the proposal at the instance of Shri Paramjit Lal cannot absolve her of responsibility. The Enquiry Officer, as well as the Disciplinary and Appellate Authorities, have rightly recorded that the petitioner was required to submit a report at her own level, exercising independent judgment. The act of appending her signature or countersigning the proposal at the request of any other person, without due diligence, inevitably constitutes a dereliction of duty on her part. I am of the view that once the procedural requirements mandate that an officer concerned must independently verify the relevant facts before making any recommendation, an act of the reporting officer in failing to discharge such duty, whether at the behest of senior officers or otherwise, cannot, by itself, constitute sufficient ground for condonation of such conduct. The procedural framework governing banking operations, and the channels through which proposals must pass prior to sanction, are deliberately structured so as to ensure that multiple individuals have the opportunity to examine the proposals independently, detect any discrepancies from the records, and

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report the same. Such a system is designed to facilitate informed and conscious decision-making.

15. In the instant case, the petitioner failed to perform her obligations in accordance with the prescribed procedure. She seeks condonation of her dereliction solely on the ground that she acted at the direction of her superiors. However, it is noted that during the enquiry proceedings, the petitioner did not lead any evidence to substantiate this assertion, nor did she establish that she was compelled by any superior officer to countersign the report. Furthermore, there is also no record to suggest that the petitioner took any steps to raise a concern or lodge a complaint, before appending her signature to the recommendation, despite being aware of the discrepancies. Accordingly, it is evident that the act of countersigning the report was a considered decision on the part of the petitioner. The consequences that flow from such conduct are, therefore, squarely attributable to her. It bears noting that the power of judicial review in matters of disciplinary proceedings is circumscribed. The Hon'ble Supreme Court has repeatedly held that courts would not ordinarily interfere with the findings of a disciplinary authority unless there is evidence of perversity, illegality, or procedural impropriety. In this context, reference is made to the judgments in **Deputy General Manager v. Ajay Kumar Srivastav**, reported in **2021 (2) SCC 621**, and **Director General of Police, Railway Protection Force & Ors. v. Rajan**, **2020 SCC Online SC 954**, wherein it was affirmed that judicial intervention is limited and should be exercised with due restraint, particularly where the disciplinary authority has

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acted in accordance with established procedure and there is no demonstrable malafide intent. The relevant extract of the judgment rendered in **Director General of Police Railways v. Rajendra Kumar Dubey (supra)** is extracted as under:

21.1. We will first discuss the scope of interference by the High Court in exercise of its writ jurisdiction with respect to disciplinary proceedings. It is well settled that the High Court must not act as an appellate authority, and reappreciate the evidence led before the enquiry officer. We will advert to some of the decisions of this Court with respect to interference by the High Courts with findings in a departmental enquiry against a public servant.

21.2. In State of A.P. v. S. Sree Rama Rao [State of A.P. v. S. Sree Rama Rao, AIR 1963 SC 1723] , a three-Judge Bench of this Court held that the High Court under Article 226 of the Constitution is not a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is not the function of the High Court under its writ jurisdiction to review the evidence, and arrive at an independent finding on the evidence. The High Court may, however, interfere where the departmental authority which has held the proceedings against the delinquent officer are inconsistent with the principles of natural justice, where the findings are based on no evidence, which may reasonably support the conclusion that the delinquent officer is guilty of the charge, or in violation of the statutory rules prescribing the mode of enquiry, or the authorities were actuated by some extraneous considerations and failed to reach a fair decision, or allowed themselves to be influenced by irrelevant considerations, or where the conclusion on the very face of it is so wholly arbitrary and

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capricious that no reasonable person could ever have arrived at that conclusion. If, however, the enquiry is properly held, the departmental authority is the sole judge of facts, and if there is some legal evidence on which the findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a writ petition.

21.3. These principles were further reiterated in State of A.P. v. Chitra Venkata Rao [State of A.P. v. Chitra Venkata Rao, (1975) 2 SCC 557 : 1975 SCC (L&S) 349] . The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The court exercises the power not as an appellate court. The findings of fact reached by an inferior court or tribunal on the appreciation of evidence, are not re-opened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ court, but not an error of fact, however grave it may be. A writ can be issued if it is shown that in recording the finding of fact, the tribunal has erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence. A finding of fact recorded by the tribunal cannot be challenged on the ground that the material evidence adduced before the tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point, and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the tribunal.

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21.6. In Union of India v. P. Gunasekaran [Union of India v. P. Gunasekaran, (2015) 2 SCC 610] , this Court held that the High Court in exercise of its power under

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Articles 226 and 227 of the Constitution of India shall not venture into re-appreciation of the evidence. The High Court would determine whether : (SCC pp. 616-17, para 12)

- “ (a) the enquiry is held by the competent authority;*
(b) the enquiry is held according to the procedure prescribed in that behalf;
(c) there is violation of the principles of natural justice in conducting the proceedings;
(d) the authorities have disabled themselves from reaching a fair conclusion by some considerations which are extraneous to the evidence and merits of the case;
(e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;
(f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;
(g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;
(h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;
(i) the finding of fact is based on no evidence.”

21.7. In para 13 of the judgment [Union of India v. P. Gunasekaran, (2015) 2 SCC 610] , the Court held that :

“13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappreciate the evidence;*
(ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;
(iii) go into the adequacy of the evidence;
(iv) go into the reliability of the evidence;

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(v) interfere, if there be some legal evidence on which findings can be based;

(vi) correct the error of fact however grave it may appear to be;

(vii) go into the proportionality of punishment unless it shocks its conscience.”

In the present case, in light of the petitioner's admitted failure to discharge her duty independently, coupled with the absence of any evidence to substantiate coercion by superior officers, there is no ground for judicial interference in the disciplinary action imposed.

16. The Court further observes that there is no allegation whatsoever suggesting malice or bias on the part of the officials, including the Enquiry Officer, against the petitioner. Nor is there any assertion that the mandatory procedural requirements, as prescribed under the governing rules, were not duly complied with. In the absence of such allegations, the conclusions recorded by the Enquiry Officer cannot be characterized as being based on no evidence or as resulting from any gross misreading or misinterpretation of the evidence on record. It is well settled that a plea or defence raised by an employee in disciplinary proceedings must be substantiated by evidence led by the employee concerned. There can be no presumption in favour of the employee merely on account of a self-serving statement or assertion made in the course of the proceedings. In the present case, the record does not disclose any material on the basis of which it can be held that the petitioner has successfully proven her defence by leading of cogent evidence. Consequently, no benefit of doubt can be extended to the



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petitioner. Furthermore, it is also held that the penalty imposed upon the petitioner, a reduction to a lower stage in the time scale of pay for a period of one year cannot be said to be shockingly disproportionate to the nature and gravity of the misconduct established.

17. Hence, I find no merit in the present writ petitions. The same are accordingly dismissed.

AUGUST 18, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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