

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-910-2018(O&M)

Date of Decision : August 11, 2025

UNION BANK OF INDIA AND ORS

.....Appellants

VERSUS

RAM CHANDER

.....Respondent

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

Present : Mr. K.K.Gupta, Advocate for the appellants.

Mr. G.S.Bajwa, Advocate for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-2470-LPA-2018

1. For the reasons mentioned in the application, the same is allowed and the delay of 6 days in refiling the appeal is condoned.

Main case

2. This appeal is by the employer assailing the judgment of the learned Single Judge dated 21.02.2018, passed in CWP No.6491 of 2014, remitting the matter to the disciplinary authority for consideration of the objections filed by the delinquent employee to the report of the Enquiry Officer. The learned Single Judge has also issued directions to the appellants to re-instate the respondent and to treat the period from the date of passing of the dismissal order till the disposal of the matter to be under deemed suspension and release the subsistence allowance from the date of dismissal till the date of passing of the order by the learned Single Judge within a period

of 03 months. It is with this part of the order of the learned Single Judge that the appellants are primarily aggrieved.

3. Learned counsel for the appellants submits that the charges on merits have been found proved in the enquiry proceedings and since the disciplinary authority has found himself to be in agreement with the conclusion of the Enquiry Officer, as such he was not required to re-iterate the reasons in his order itself.

4. So far as the merits of the order passed by the disciplinary authority is concerned, we find that the disciplinary authority has primarily agreed with the conclusion of the Enquiry Officer. The report of the Enquiry Officer was served upon the respondent-petitioner. A detailed objection has been submitted by the delinquent employee questioning the proceedings of the enquiry on the ground that reasonable opportunity of defence was denied to him. The objection also contained assertions to the effect that the services of the defence assistance was denied to the delinquent employee and he was prevented from coming up with his best defence in the absence of fair opportunity. Other submissions are also made to question the legality of the enquiry proceedings.

5. Perusal of the order of the disciplinary authority would reveal that none of the issues raised in the objection to the report of the Enquiry Officer has been taken into consideration nor is dealt with in any manner.

6. The objection to the report of the Enquiry Officer raised issues of significance which were required to be dealt with by the disciplinary authority. In such circumstances, we find ourselves to be in agreement with

the view expressed by the learned Single Judge, as per which the matter had to be remitted to the disciplinary authority for a fresh consideration of case in the light of the objections put forth by the delinquent employee to the report of the Enquiry Officer. This part of the order of the learned Single Judge accordingly requires no interference.

7. We, however, find substance in the contention of the appellants with regard to the course that was required to be followed once the matter had to be remitted to the disciplinary authority. The issue in that regard has been dealt with by the Supreme Court in **Managing Director, ECIL, Hyderabad and others Vs. B. Karunakar and others, (1993) 4 SCC 727** which is consistently followed. As per the procedure laid down in paragraphs No.29 and 30 of the judgment what was required by the employer was to have re-instated the delinquent employee in service and place him under suspension. The question of payment of subsistence allowance would arise from the date of reinstatement. So far as the arrears of salary of suspension allowance from the date of dismissal till passing of a fresh order is concerned, the same shall abide by the ultimate orders to be passed by the disciplinary authority. We, therefore, cannot approve the directions of the learned Single Judge to calculate the subsistence allowance from the date of dismissal till the disposal of the writ petition and to pay such amount within the period specified. To this extent, we modify the directions of the learned Single Judge.

8. Subject to the modification aforesaid, this Letters Patent Appeal is disposed of.

9. Since sufficient period has lapsed, we direct the disciplinary authority to take an appropriate decision in terms of the above observations within a period of four months.

(ASHWANI KUMAR MISHRA)
JUDGE

August 11, 2025
ajaysharma

(ROHIT KAPOOR)
JUDGE

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