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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 13235/2022 & CM APPL. 28187/2024

NARESH KUMAR GOEL .....Petitioner

Through: Mr. Ravi Bassi & Mr. Sanyam Malik, Advocates alongwith Petitioner in Person.

versus

CANARA BANK .....Respondent

Through: Mr. Puneet Taneja, Senior Advocate with Mr. Manmohan Singh Narula & Mr. Amit Yadav & Mr. Anil Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

<u>O R D E R</u>

% 22.09.2025

1. By way of the present writ petition, the petitioner challenges a "*corrigendum chargesheet*" dated 28.07.2022 on the ground that it seeks to invoke the provisions of Regulation 48 of the Canara Bank (Employees') Pension Regulations, 1995 ["Pension Regulations"], which was not cited in the original chargesheet dated 03.02.2018.

2. The petitioner joined the respondent – Canara Bank ["Bank"] in the year 1982 and took voluntary retirement in the year 2015. A chargesheet dated 03.02.2018 was subsequently served upon him, in which the Bank referred to Regulations 43 and 45 of the Syndicate Bank (Employees') Pension Regulations, 1995, read with Regulation 6 of the Syndicate Bank Officers Employees' (Discipline & Appeal) Regulations, 1976

["Discipline & Appeal Regulations"].

3. The petitioner challenged the said chargesheet by way of W.P.(C) 8732/2019. The writ petition was disposed of by judgment dated 04.07.2022, in the following terms:-

> *"36. Having said that, this petition is disposed of, the respondent is precluded from initiating departmental inquiry vide charge sheet issued to the petitioner on February 03, 2018, to the extent that the same relate to the charges beyond a period of 4 years preceding the date of February 03, 2018, as the same shall be bad in law. It is ordered accordingly.*
> *37. Liberty is with the bank to proceed against the petitioner with regard to those loan accounts between serial No. 330 to 340 at page 154 of the paperbook as per the Articles of Charge framed against the petitioner and proceed in accordance with law."*

4. In purported compliance with the liberty granted by the aforesaid order, the corrigendum chargesheet dated 28.07.2022 was issued, which is the subject matter of challenge in the present writ petition. The principal ground taken in the writ petition, as noted above, is that the Bank has added a reference to Regulation 48 of the Pension Regulations, which was not referred to in the earlier chargesheet. The substantial allegations against the petitioner were incorporated in the original chargesheet also; however, in terms of the judgment dated 04.07.2022, the scope of enquiry was reduced from consideration of more than 300 different accounts to 11 accounts.

5. In the course of proceedings, however, Mr. Ravi Bassi, learned counsel for the petitioner, raised a contention that neither the Pension Regulations nor the Discipline & Appeal Regulations provide for an inquiry to be held once an employee of the Bank stands superannuated. In view of this contention, the Court passed the following order dated

13.09.2022:-

> *"7. In view of the aforesaid, I am inclined to prima facie agree with the learned counsel for the respondent that once this Court had, on 04.07.2022, itself granted liberty to the respondent/bank to proceed with the departmental proceedings against petitioner limited to the aforesaid 11 loan accounts, the petitioner cannot now be permitted to urge that the charge-sheet is without jurisdiction or to contend that no charge-sheet could be issued to a retired employee in any situation whatsoever. I, therefore, see no reason to stay the inquiry proceedings at this stage.*
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> *8. It is, however, made clear that the findings of the inquiry will remain subject to outcome of the present petition and, therefore, even though the respondent may proceed to pass a final order, the same will not be implemented without the leave of this Court. Needless to state, the petitioner will cooperate with the inquiry proceedings."*

6. It is the admitted position that the inquiry proceedings have since concluded by an order dated 29.05.2023, the operative portion whereof reads as follows:-

> *"NOW THEREFORE, taking into consideration all the relevant / connected records agreeing with the findings of the Inquiring Authority and holding the Pensioner guilty of the charges as enumerated in the orders of the Disciplinary Authority, the punishment of:*
>
> > *"WITHDRAWAL OF PENSION AMOUNT OF Rs.1000/- PER MONTH FROM THE PENSION PAYABLE TO HIM FOR A PERIOD OF SIX MONTHS"*
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> *as envisaged under Regulation 43 & 45 of the Canara Bank Employees' (Pension) Regulations, 1995, is hereby imposed on the subject pensioner."*

7. Mr. Bassi submits, upon instructions, that the petitioner wishes to assail the aforesaid order *inter alia* on the ground of jurisdiction of the Disciplinary Authority to issue such an order. Mr. Puneet Taneja, learned Senior Counsel for the Bank, however, submits that the said question is not open to the petitioner at this stage. He submits that this plea applies to

the original chargesheet dated 03.02.2018, but was neither taken nor argued at that stage, and the judgment dated 04.07.2022 has attained finality.

8. As the impugned chargesheet has culminated in a final order, which is appealable under the Service Regulations, I am of the view that the appropriate course of action is for the petitioner to be relegated to the remedy of appeal. In the event the appeal is filed within a period of four weeks from today, the Bank is directed not to reject it on the ground of limitation.

9. As far as the plea of the proceedings being *ultra vires* the Service Regulations is concerned, it is open to the petitioner to take such ground in his appeal, which will be decided in accordance with law. This Court has not made any observations on the said question or on the effect of the judgment dated 04.07.2022 in this regard. The aforesaid questions may also be considered by the Appellate Authority in accordance with law.

10. Having regard to the nature of the penalty order, the Bank is directed not to give effect to the same until the disposal of the appeal. In the event no appeal is filed within the aforesaid period of four weeks, the order may be given effect thereafter.

11. The writ petition, alongwith pending application, stands disposed of.

12. The next date of hearing, i.e. 11.12.2025, stands cancelled.

PRATEEK JALAN, J

SEPTEMBER 22, 2025
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