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

+ **LPA 675/2025**

VIKAS TOMAR

.....Appellant

Through: Mr. Apurb Lal, Mr. Ashish Lal, Mr.
Sunil Kumar, Advs.

versus

PUNJAB AND SINDH BANK & ORS. & ORS.Respondents

Through: Mr. Kittu Bajaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

10.11.2025

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CM APPL. 69667-68/2025

1. Exemption allowed, subjection to all just exceptions.
2. Application stands disposed of.

LPA 675/2025 & CM APPL. 69669/2025

3. The instant appeal is directed against the Memorandum of Charges dated 20.09.2024 and corresponding inquiry report submitted by the inquiry officer, followed by the order of the disciplinary authority dated 27.08.2025.
4. Inviting the Court's attention to the Memorandum of Charges, learned counsel for the appellant argued that the Inquiry Officer/competent authority has not provided the list of witnesses alongwith the memorandum dated 20.09.2024 and also that the charges are not clear, hence, the proceedings are vitiated, because the impugned Memorandum of Charges is contrary to Regulation 6(3) of Punjab & Sind Bank Officer Employees' (Discipline &



Appeal) Regulations, 1981 [hereinafter referred to as '**Regulations of 1981**'].

5. Learned counsel for the respondent Bank, at the outset, raised a preliminary objection that the appellant has directly challenged the Memorandum of Charges and the order of penalty, without availing remedy of appeal, as provided under Regulation 17 of the Regulations of 1981.

6. At this juncture, learned counsel for the appellant submitted that the powers under Regulation 17 are very limited and the appellate authority can simply pass an order to confirm, enhance, reduce or set aside the order penalty. However, it cannot quash the Memorandum and the consequential finding of inquiry officer, if the same is contrary to Regulation 6(3) of the Regulations of 1981.

7. Having heard learned counsels for parties, we are not inclined to entertain the present LPA, as the appellant has bypassed the remedy of appeal given under Regulation 17 of the Regulations of 1981.

8. The argument of learned counsel for the appellant that the Memorandum itself which is contrary to Regulation 6(3) of the Regulations of 1981, as no list of witnesses was provided cannot be challenged before the appellate authority, is misconceived.

9. If the findings of Inquiry Officer are based upon the witnesses whose name had not been given in the list of witnesses, the appellate authority can definitely consider the same and pass appropriate order. Needless to observe that if the Inquiry Officer has found the charges proved without the help of any witness, the inquiry report cannot be questioned before this Court, simply because no list of witness was provided.

10. On perusal of Regulation 17 of the Regulations of 1981, we are of the



opinion that the same provides wide power to the appellate authority to consider each aspect of the matter, including the contentions, which have been raised by the petitioner before this court.

11. As an upshot discussion foregoing, discussion, the appeal fails and is hereby dismissed.

12. In case, the appellant files an appeal within a period of three weeks from today along with requisite application seeking condonation of delay, the appellate authority shall consider the same in accordance with law, considering that the appellant was pursuing the presented appeal since it was filed in the month of September, 2025.

DINESH MEHTA, J

VIMAL KUMAR YADAV, J

NOVEMBER 10, 2025/neha