



2025:DHC:10453



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Judgment reserved on: 18 November 2025**
Judgment pronounced on: 27 November 2025

+ W.P.(C) 8731/2018

E.S. NATHAN

.....Petitioner

Through: Mr. V. Hari Pillai, Adv.

versus

CANARA BANK

.....Respondent

Through: Mr. Santosh Kumar Rout, SC.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

J U D G M E N T

1. This petition is filed seeking quashing of orders dated 25.04.2017 and 13.10.2017 dismissing the petitioner from service and rejecting the appeal respectively.

2. The facts in brief are that the petitioner joined Canara Bank (for short 'the bank') in the year 1981 as daily wager. Petitioner was absorbed as sub-staff in 1984 and promoted to the post of clerk in 1990. The petitioner worked at Nehru Place branch as a Single Window Operator from 28.06.2009 till 30.06.2015 when the petitioner was placed under suspension. Enquiring into the allegation that the petitioner debited GL Head 209272430 (for short 'GL Head') on several occasions during April 2014 to June 2015 and transferred Rs.24,39,796/- to different saving bank and loan accounts, preliminary investigation report dated 29.06.2015 was prepared.

2.1 On 30.06.2015, when confronted, the petitioner admitted allegations. In a statement written in his own hand, the petitioner



stated that the mistake was committed under heavy financial burden and the amount due to the bank shall be repaid. On 26.11.2015, a show cause notice was issued to the petitioner confronting the investigation report. The petitioner filed response dated 07.12.2015 and thereafter, on 15.12.2015, filed a complaint at police station Kalkaji against his seniors in the bank, alleging that he was forced to write a self-incriminating letter.

2.2. On 18.08.2016, a charge-sheet was issued alleging that during 01.01.2013 to 30.06.2015 on sixty-one occasions the petitioner made unauthorized debit entries in GL Head and transferred the funds to different saving bank and loan accounts. Reply to the charge-sheet was filed on 12.09.2016. The inquiry report dated 15.03.2017 holding the petitioner guilty of charges was supplied to the petitioner. The disciplinary authority vide order dated 25.04.2017, concurring with the enquiry report imposed the penalty of dismissal. The appeal against the dismissal order was dismissed on 13.10.2017 and hence, the present petition.

3. Learned counsel for the petitioner submits that the disciplinary authority relied upon the admission statement of the petitioner, without supplying the copy and the impugned order passed is in violation of principles of natural justice. To fortify the argument the reliance is on decision of Supreme Court in case of *State Bank of India & Ors. v. D.C. Aggarwal & Anr.* reported as (1993) 1 SCC 13.

3.1 It is argued that in cross-examination during the inquiry proceedings the investigating officer admitted that the statement of the petitioner was not recorded by him. Submission is that neither the



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account holders nor the officials of the bank were examined during the inquiry. Submission is that the statements of the senior officials of the bank that their login IDs and passwords were stolen and used by the petitioner were taken on face value.

4. Per contra, the unauthorized withdrawal of the amount from GL Head was done under the ID and password of the petitioner. Submission is that out of fourteen accounts used for transfer of the funds in ten accounts the petitioner was the introducer and one account belonged to his wife. It is argued that due procedure was followed to pass the order of dismissal and reasonable opportunity was granted to the petitioner to defend the case.

5. The scope of interference in writ jurisdiction in cases of departmental proceedings is limited, the power of judicial review is not to be exercised as an appellate authority. It would be fruitful to refer the following decisions:-

In *State of Karnataka & Anr. v. Gangaraj* reported as (2020) 3 SCC 423, the Supreme Court held:

“13. In another judgment reported as *Union of India v. P. Gunasekaran* [*Union of India v. P. Gunasekaran*, (2015) 2 SCC 610 : (2015) 1 SCC (L&S) 554], this Court held that while reappreciating evidence the High Court cannot act as an appellate authority in the disciplinary proceedings. The Court held the parameters as to when the High Court shall not interfere in the disciplinary proceedings:

“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;
- (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.

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15. The disciplinary authority agreed with the findings of the enquiry officer and had passed an order of punishment. An appeal before the State Government was also dismissed. Once the evidence has been accepted by the departmental authority, in exercise of power of judicial review, the Tribunal or the High Court could not interfere with the findings of facts recorded by reappreciating evidence as if the courts are the appellate authority...”

In *State Bank of India & Anr. v. K.S. Vishwanath (Civil Appeal No. 3490 of 2022)* reported as 2022 INSC 616, the Supreme Court held:

“7.2. From the impugned judgment and order passed by the High Court it appears that the High Court has dealt with and considered the writ petition under Articles 226/227 of the Constitution of India challenging the decision of the Bank/management dismissing the delinquent officer as if the High Court was exercising the powers of the appellate authority. The High Court in exercise of powers under Articles 226/227 of the Constitution of India has reappreciated the evidence on record which otherwise is not permissible as held by this



Court in a catena of decisions.

7.3 Recently in Nand Kishore Prasad (supra) after considering other decisions of this Court on judicial review and the power of the High Court in a departmental enquiry and interference with the findings recorded in the departmental enquiry, it is observed and held that the High Court is not a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is further observed and held that the High Court is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. It is further observed that if there is some evidence, that the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition under Article 226 of the Constitution of India to review/reappreciate the evidence and to arrive at an independent finding on the evidence...

In *State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya* reported as (2011) 4 SCC 584, the Supreme Court held:

“7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably



could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations. (Vide *B.C. Chaturvedi v. Union of India* [(1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44] , *Union of India v. G. Ganayutham* [(1997) 7 SCC 463 : 1997 SCC (L&S) 1806] , *Bank of India v. Degala Suryanarayana* [(1999) 5 SCC 762 : 1999 SCC (L&S) 1036] and *High Court of Judicature at Bombay v. Shashikant S. Patil* [(2000) 1 SCC 416 : 2000 SCC (L&S) 144] .)”

(emphasis supplied)

6. The petitioner in the statement made on 30.06.2015 admitted that under his ID and password sixty-one unauthorized transactions of transfer of funds from GL Head to other accounts were made. The statement is in the handwriting of the petitioner and duly signed. The statement details the sales and purchases of land made by the petitioner; interest bearing loans borrowed from private sources; for getting his son admitted in medical college an amount of Rs.20 lacs bearing an interest rate of 3.5 to 6 percent per month was borrowed and the payment of Rs.7.50 lacs made to a firm assuring admission of the son of the petitioner in a medical college at Bangalore which did not materialize. It was stated that the passwords of the senior officials came to the knowledge of the petitioner while genuine entries were being made. The petitioner admitted to have committed a mistake under a heavy financial burden and pressure. The assurance was given that mistake will not be repeated in future and to repay the amount due



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to bank.

7. The petitioner was supplied the charge-sheet, associated at enquiry stage, the response filed was considered by enquiry officer and after providing the copy of the enquiry report the disciplinary proceeding culminated in the impugned order.

8. The contention that the reliance on the statement of the petitioner, without supplying copy and the admission having not been recorded by the investigating officer is bad in law lacks merit. The petitioner neither denied having made the statement nor the signatures on it. The statement recorded on 30.06.2015 was not retracted. The complaint filed on 15.12.2015 in the police station alleging that the petitioner was forced to write the statement as dictated by the senior officials of the bank was not pursued. The allegations in the complaint were that the petitioner was carrying out the instructions of seniors for transferring the funds from GL Head but the fact remains that the transactions spanned for more than eighteen months but the petitioner never complained to the higher authorities. It is admitted fact that out of fourteen saving bank and loan accounts used for transfer of funds from GL Head, in ten accounts the petitioner was the introducer and the eleventh account belonged to his wife.

9. Further, the admission statement found mention in the investigation report as well as the inquiry report which were confronted to the petitioner. The admission statement was neither denied by the petitioner nor the copy of statement demanded. Even before this Court the veracity of the admission statement is not challenged. The argument raised that statement was recorded under



pressure was rightly held by Appellate Authority to be afterthought contention. The petitioner got opportunities on various stages till the passing of the impugned order but the statement was never rescinded. It would be important to note that the statement of admission of the petitioner does not contain only an admission of transfer of funds from GL Head to other accounts but also the personal details which were only in knowledge of petitioner. At the cost of repetition, the statement is in handwriting of the petitioner and signed by him. The allegation that the statement was recorded under pressure remains a bald statement.

10. The law is well settled that there cannot be a straitjacket formula to apply the principles of natural justice and in cases where no prejudice is showed to be caused remanding the matter for violation of principles of natural justice would be a futile exercise.

10.1 In *Syndicate Bank & Ors. v. Venkatesh Gururao Kurati* reported as (2006) 3 SCC 150, the Supreme Court held:

“18. In our view, non-supply of documents on which the enquiry officer does not rely during the course of enquiry does not create any prejudice to the delinquent. It is only those documents, which are relied upon by the enquiry officer to arrive at his conclusion, the non-supply of which would cause prejudice, being violative of principles of natural justice. Even then, the non-supply of those documents prejudice the case of the delinquent officer must be established by the delinquent officer. It is well-settled law that the doctrine of principles of natural justice are not embodied rules. It cannot be put in a straitjacket formula. It depends upon the facts and circumstances of each case. To sustain the allegation of violation of principles of natural justice, one must



establish that prejudice has been caused to him for non-observance of principles of natural justice.”

10.2 In *U.P. State Textile Corpn. Ltd. v. P.C. Chaturvedi and Ors.* reported as (2005) 8 SCC 211, the Supreme Court held:

“9. We shall first deal with the plea regarding alleged non-compliance with the principles of natural justice.

10. Records reveal that copies of a large number of documents were supplied to Respondent 1. Whether they were adequate for the purpose of taking a view in the disciplinary proceedings is another matter, but to say the relevant documents were not supplied is not correct. The High Court had attached great importance to the alleged admission of documents for the purpose of adjudication on 8-10-1992. Though this ground was urged with great vehemence before the High Court, it is not disputed that what was accepted by the enquiry officer on 8-10-1992 was not any document but a list of documents/books of accounts in the possession of Respondent 1 employee. It has not been shown as to how the non-supply of this list caused any prejudice. The stand of the respondent was that additional documents had been entertained which plea the High Court had wrongly accepted. As noted above, no additional document was brought on record, and it was the list. On that score, the High Court's view is clearly untenable.”

10.3 In *Union of India and Ors. v. Bishamber Das Dogra* reported as (2009) 13 SCC 102, the Supreme Court held:

“17. In *State Bank of Patiala v. S.K. Sharma* [(1996) 3 SCC 364 : 1996 SCC (L&S) 717] this Court emphasised on the application of doctrine of prejudice and held that unless it is established that non-furnishing the copy of the enquiry report to the delinquent employee has caused prejudice to him, the Court shall not interfere with the order of punishment for the reason that in such an



eventuality setting aside the order may not be in the interest of justice rather it may be tantamount to negation thereof.”

10.4 In *State of Punjab and Ors. v. Hari Singh* reported as (2008) 11 SCC 85, the Supreme Court held:

“13. We also find no substance in the subsidiary ground on which the respondent's suit was decreed. From the records it appears that the respondent had asked for the logbooks of different/other vehicles which were not the subject-matter of the charge. Since he was unable to show any relevance of those logbooks to the enquiry into the charges against him, the logbooks/documents were not brought before the enquiry. There is nothing to indicate that the respondent suffered any prejudice on that account. It is therefore impossible to hold that the departmental enquiry was vitiated due to non-production of documents asked for by the respondent and on that basis no punishment could be imposed against him. (See *Syndicate Bank v. Venkatesh Gururao Kurati* [(2006) 3 SCC 150 : 2006 SCC (L&S) 487] and *U.P. State Textile Corpn. Ltd. v. P.C. Chaturvedi* [(2005) 8 SCC 211 : 2005 SCC (L&S) 1108] .)”

(emphasis supplied)

11. The finding recorded that sixty-one transactions for transferring more than Rs.24,39,796/- were under the ID and password of the petitioner remains unchallenged. The argument that the transactions needed verification from the senior officers and petitioner alone was made scapegoat is ill-founded, in view of the consistent finding recorded by investigating officer, inquiry officer and the disciplinary authority that the IDs and passwords of the senior officials were stolen and misused by the petitioner.



12. The submission that no customer or the official of bank was produced during the inquiry to prove the case is of no avail. The allegations against the petitioner were duly proved and finding of investigation report, inquiry report and of disciplinary authority are concurrent on the issue. The relevance is of reliability of the evidence and witness examined and not the number of witness produced.

13. The decision of the Supreme Court in *D.C. Aggarwal* (supra) relied upon by the learned counsel for the petitioner is not applicable in the facts of the present case. In that case the inquiry officer exonerated the employee but the Central Vigilance Commission (for short 'CVC') after disagreeing with inquiry report recorded its own finding. The inquiry report and the CVC recommendations were sent to the disciplinary authority and in those circumstances it was held that non-supply of CVC recommendations was in violation of principles of natural justice. Whereas in present case, the statement of admission of the petitioner was part of the record and it found mention in the investigation and the inquiry report which were confronted to the petitioner. The petitioner failed to demonstrate prejudice caused to the petitioner by non-supply of the copy of statement.

14. The impugned order suffers from no legal or factual error much perversity. The writ petition is dismissed.

AVNEESH JHINGAN, J.

NOVEMBER 27, 2025

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Reportable:- Yes