IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 418 of 2025
In
C.W.J.C. No. 11961 of 2010

==========

1. The State Bank of India through its Chief General Manager, 7th Floor, Local Head Office, State Bank of India, West Gandhi Maidan, Patna
2. The Deputy General Manager O and C (NW-I)-cum-Appellate Authority, Disciplinary Proceeding Cell, State Bank of India, Administrative Building, J.C. Road, Patna
3. The Assistant General Manager (Administration)-cum-Disciplinary Authority, Disciplinary Proceeding Cell, State Bank of India, Administrative Office, Purnia
4. The Assistant General Manager, Region III, State Bank of India Zonal Office, Purnia.
5. The Deputy Manager-cum-Enquiry Officer, State Bank of India, Administrative Office, Purnia Region I, Purnia.
6. The Deputy Manager-cum-Presenting Officer, State Bank of India Region III, Administrative Office, Purnia.
7. The Branch Manager, State Bank of India, Forbesganj Branch, District- Araria

... ... Appellant

Versus

Pulak Chandra Das, S/o- Late Kanti Chandra Das, R/o- Mohalla-High School Para, Near East Bang Bhawan, P.S. Katihar, District-Katihar.

... ... Respondents

==========

Appearance :

For the Appellant : Mrs. Namrata Mishra, Sr. Advocate
Ms. Archana Jha, Advocate

For the Respondents : Mr. Aditya Narain Singh, Advocate
Mr. Kundan Kumar Sinha, Advocate

==========

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

CAV JUDGMENT

WEB COPY

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-11-2026

This *intra court* appeal has been filed by the State Bank of India challenging the order of the learned Single Judge dated 14.02.2025 in C.W.J.C. No. 11961 of 2010, whereby the learned Single Judge has allowed the writ petition filed by the respondent herein by stating in Paragraphs 13 to 15 as under:-

> *"13. In the light of these facts and circumstances, petitioner has made out a case so as to interfere with the impugned orders. Accordingly, impugned orders dated 14.11.2009 passed by the Disciplinary Authority and dated 19.02.2010 passed by the Appellate Authority are set aside.*
> *14. Instant writ petition stands allowed.*
> *15. The concerned respondents are hereby directed to extend 50% of monetary benefits to the petitioner during the intervening period from the date of removal from service till attaining the age of superannuation and retired from service and other retiral service benefits viz. monetary benefits. The above exercise shall be completed within a period of six months from the date of receipt of this order."*

2. Some of the facts which are relevant to be noted are that the respondent while working as a Senior Assistant in the appellant Bank was subjected to disciplinary proceedings. The preliminary charges were framed on 13.03.2007, to which the respondent submitted his reply on 17.04.2007. Thereafter, a final charge-sheet was framed on 22.08.2007. The respondent

WEB COPY

submitted his reply to the same on 05.09.2007. The Disciplinary Authority not being satisfied with the respondent's explanation, proceeded to appoint an Inquiry Officer. The Inquiry Officer submitted his report on 26.12.2008 holding the charges framed against the respondent as proved. Resultantly, a second show-cause notice dated 05.11.2009 was issued by the Disciplinary Authority. Thereafter, the Disciplinary Authority proceeded to impose punishment of removal of the respondent from service on 14.11.2009. Aggrieved by the order of punishment, the respondent preferred an appeal before the Appellate Authority on 26.12.2009, which appeal was dismissed. This resulted in the respondent filing the writ petition before the learned Single Judge wherein the impugned order is passed.

3. The case of the respondent was that the Disciplinary Proceedings were not held in accordance with the principles of natural justice. According to the respondent, the charge-memo was not accompanied with the list of documents and list of witnesses. According to him, even the statement of imputation was not provided. None of the witnesses like author of the documents have been examined for the purpose of proving the charges. The aforesaid submissions were not appreciated by the Disciplinary Authority and the Appellate

WEB COPY

Authority, resulting in the imposition of penalty of removal of the respondent from service.

4. Though the appellant Bank has tried to justify the proceedings against the respondent, the stand was not accepted by the learned Single Judge who allowed the writ petition in the manner referred to, by us in the above paragraphs.

5. The learned Senior Counsel for the appellant Bank would make only one submission inasmuch as though the learned Single Judge has set aside the punishment of removal of the respondent from service but he has erred in not remanding the matter back to the Disciplinary Authority for holding the proceedings from the stage of violation of principles of natural justice. According to her, the charges against the respondent are of very serious nature and the said allegations need to be enquired into in accordance with the principles of natural justice. She has relied upon the judgments in the case of ***Chairman, Life Insurance Corporation of India & Ors. Vs. A. Masilamani; (2013) 6 SCC 530, Managing Director, ECIL, Hyderabad and others Vs. B. Karunakar and others; (1993) 4 SCC 727*** and ***U.P. State Spinning Co. Ltd. Vs. R.S. Pandey and another; (2005) 8 SCC 264*** wherein according to her, the Hon'ble Supreme Court has held that if the dismissal/removal is

WEB COPY

set aside for breach of natural justice, the matter ought to be remanded back to the competent authority.

6. On the other hand, the learned counsel for the respondent would justify the conclusion drawn by the learned Single Judge, inasmuch as when the proceedings have been held in total disregard to the principles of natural justice, the only outcome possible is that the proceedings which have been initiated resulting in the order of removal of the respondent from service, liable to be set aside and the respondent reinstated in service, with 50% back wages, as awarded by the learned Single Judge. He contests the submissions made by the learned Senior Counsel for the appellants that the matter be remanded back to the Disciplinary Authority.

7. Having considered the rival submissions made by the learned counsel for the parties, we are of the view that when the respondent filed writ petition before the learned Single Judge, his age was 42 years and we have been informed that the respondent would be around 58 years of age as of now and hence, the respondent has still service left before he will attain the age of superannuation. If that be so, we agree with the submissions made by the learned Senior Counsel for the appellants that when a Disciplinary Proceedings resulting in the

WEB COPY

punishment of removal from service is set aside, the charges against the respondent are of serious nature, the learned Single Judge should have remanded the matter back to the Disciplinary Authority to enable the Disciplinary Authority to proceed in the proceedings from the stage when the principles of natural justice have been violated so that the charges which have been framed against the respondent are enquired into.

8. We accordingly accept the submission made by the learned Senior Counsel by remanding the matter to the Disciplinary Authority by modifying the direction in Paragraph 15 of the impugned order to read as under:-

> *"15. The concerned respondents are hereby directed to extend 50% of monetary benefits to the petitioner during the intervening period from the date of removal from service till the date of reinstatement, but with liberty to the respondents herein to proceed with the Departmental Proceedings pursuant to the charge-sheet issued to the petitioner dated 22.08.2007. The Disciplinary Authority shall be within his right to regulate the intervening period from the date of removal of the respondent from service i.e. 14.11.2009 till the date of reinstatement. The departmental proceedings as directed above shall be completed preferably within a period of six months from the date of receipt/production of this order."*

9. The impugned order of the learned Single Judge dated 14.02.2025 is modified to the above extent and the Letters

WEB COPY

Patent Appeal is disposed of.

10. Pending application(s), if any, shall also stand disposed of.

(V. Kameswar Rao, CJ)

(Partha Sarthy, J) : I agree.

(Partha Sarthy, J)

P.K.P.

AFR/NAFR	A.F.R
CAV DATE	24.09.2026
Uploading Date	05.11.2026
Transmission Date	

WEB COPY