

11th May, 2026

Item no.D/L 15
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 10054 of 2026**

In the matter of:

Chandan Banerjee

.... Petitioner

VS.

Punjab National Bank & Ors.

....Respondents

For the Petitioner:

Mr. Srijib Chakraborty

Ms. Rupsa Sreemani

....Advocates

For the PNB:

Mr. S.M. Obaidullah

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is serving as officer in MMG-III in the Punjab National Bank. A disciplinary proceeding was initiated against him in the year 2025 in terms of the prevailing Rules. There has been an amendment in the service Rules of the petitioner in January, 2026.
3. The proceeding which was initiated against the petitioner in the year 2025, all of a sudden was considered in accordance with the amended provision of Rule, 2026.
4. The petitioner is aggrieved by the same.
5. It has been submitted that the disciplinary authority of the petitioner in terms of the Rules according to which the disciplinary proceeding was initiated was the General Manager. On and from January, 2026 the disciplinary authority has been

amended and the Deputy General Manager has been appointed as the disciplinary authority.

6. Learned advocate for the petitioner submits that the proceeding which was initiated by the General Manager in terms of the prevailing Rules has to be concluded in terms of the said Rules.
7. The amended Rules do not have retrospective operation.
8. Prayer has been made to set aside the impugned order of punishment imposed by the disciplinary authority relying on the amended provision of the service Rules.
9. Learned advocate representing the bank submits that, as the disciplinary authority stood amended from January, 2026, accordingly, the order in the disciplinary proceeding was passed by the disciplinary authority in terms of the amended provision.
10. Upon hearing the submissions made on behalf of both the parties and on perusal of the materials placed before this Court, it appears that disciplinary proceeding was initiated against the petitioner in the year 2025 in terms of the service Rules that was prevailing at that point of time.
11. There has been an amendment in the midst of the disciplinary proceeding. The amendment in question is applicable prospectively and does not have any retrospective effect on the proceeding which was in the midway.
12. The charge sheet, the second show cause notice and the steps taken in furtherance thereto was at the instance of the General Manager who was the disciplinary authority at that relevant point of time. The final order has only been passed by the Deputy General Manager.

13. The Court is of the opinion that a proceeding has to be concluded in terms of the prevailing Rules when the proceeding stood initiated. The amended provision of the service Rules cannot be made applicable in case of the petitioner in respect of the proceeding which started prior to the amendment coming into force.
14. The amended authority which passed the impugned order did not have the opportunity to deal with the matter from its initial stage. It is only after the amendment that the Deputy General Manager stood vested with the authority to act as the disciplinary authority. The amended disciplinary authority erroneously assumed jurisdiction of a proceeding which started prior to amendment. The amended service Rules is applicable only on and from a particular date. The proceeding which initiated prior to the said date ought to be concluded in accordance with the Rules which were applicable on the date of its initiation.
15. In view of the above, the impugned order passed by the Deputy General Manager is held to be without jurisdiction. The same stands set aside. Any steps taken in terms of the impugned order passed by the Deputy General Manager also stands set aside.
16. The disciplinary authority, that is, the General Manager in terms of the earlier Rules will be the appropriate authority to conclude the proceeding. The General Manager shall proceed from the stage from where the Deputy General Manager took up the matter.
17. The writ petition stands disposed of.
18. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

19. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)