IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 1888 of 2025

Raj Kumar, aged about 45 years, son of Ram Ashish Singh, resident of House No.3, Tara Nagar, P.O. Chas, P.S. Chas, District-Bokaro, Jharkhand. **..... Petitioner**

V E R S U S

1. Bank of India, through its Chief General Manager, HR having its office at Star House-II, C-5, G Block, Bandra-Kurla Complex, P.O. Bandra East, P.S. Bandra East, District Mumbai, Maharashtra - 400051.

2. Deputy General Manager, Centralized Disciplinary Authority Division and Disciplinary Authority, Bank of India, having its office at Star House-II, C-5, G Block, Bandra-Kurla Complex, P.O. Bandra East, P.S. Bandra East, District Mumbai, Maharashtra - 400051.

3. Assistant General Manager, Centralized Disciplinary Authority Division and Disciplinary Authority, Bank of India, having its office at Star House-II, C-5, G Block, Bandra-Kurla Complex, P.O. Bandra East, P.S. Bandra East, District Mumbai, Maharashtra - 400051.

4. Deputy Zonal Manager, Bank of India, having its office at Zonal Office, Bokaro Zone, E-17, 1st Floor, City Centre, Sector-IV, B.S. City, P.O. Bokaro, P.S. Bokaro, District Bokaro, Jharkhand 827004.

5. Assistant General Manager, Vigilance Department, Bank of India, having its office at Zonal Office, Bokaro Zone, E-17, 1st Floor, City Centre, Sector-IV, B.S. City, P.O. Bokaro, P.S. Bokaro, District Bokaro, Jharkhand. **..... Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

.....

For the Petitioner(s) : Mr. Indrajit Sinha, Advocate
Mr. Arpan M. Ekka, Advocate

For the Resp.-State : Mr. Shrestha Gautam,

.....

C.A.V. ON: 29/06/2026 **PRONOUNCED ON: 23/09/2026**

1. Heard learned counsel for the parties.

2. In the instant writ petition, the petitioner has prayed for followings reliefs:-

i. *For issuance of an appropriate writ, order, or direction for quashing the appellate order dated 20.01.2025 as contained in Ref. No.:HO:CDAD:GIR-56:FGMO-RAN:3133 (Annexure-12) passed by the Deputy General Manager, Centralized Disciplinary Authority Division and Appellate Authority (respondent no.2), whereby and whereunder the appeal preferred by the petitioner against the order dated 04.10.2024 has been rejected and the penalty of removal from service has been confirmed;*

ii. *For issuance of an appropriate writ, order, or direction for quashing the disciplinary order dated 04.10.2024 as contained in Ref. No. :HO:CDAD:GIR-56:FGMO-RAN:1402 (Annexure-9) passed by Assistant General Manager (respondent no.3), whereby whereby and whereunder the Learned Disciplinary Authority issued a major penalty of removal from service which shall not be a disqualification for future employment in terms of Regulation 4(i) of the Bank of India Officer Employees' (Discipline and Appeal) Regulations, 1976;*

iii. *For issuance of an appropriate writ, order, or direction to the respondent authorities to reinstate the petitioner and grant all consequential benefits to the petitioner from the date of dismissal of services;*

iv.*For any other relief or reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.*

Brief Facts

3. The petitioner joined the services of Bank of India in May 2009 on the post of Provisional Officer, Dhanbad. While the petitioner was posted as Senior Branch Manager, St. Xavier's School, Bokaro Branch, Bokaro Zone for the period from 05.06.2017 to 10.08.2020, several acts of purported omission and commission have been reported while sanctioning/ processing the accounts.

4. A charge memo dated 23.04.2024 was served upon the petitioner. The details of the charges are mentioned herein below:-

Article – 1 :	*The petitioner resorted to indiscreet financing where sanctioning/ disbursing the loans and by not duly monitoring further operations there in, in blatant violation of the Bank's lending guidelines, systems and procedures.*
Article – 2 :	*The petitioner blatantly violated the Bank's lending guidelines, systems and procedures while sanctioning the housing loans for purchase of flats in Sankalp Apartment constructed/ developed/ promoted by M/s Sangini Builders and Developers Pvt. Ltd. wherein the petitioner's wife was one of the stakeholders/ promoters founder members*
Article – 3 :	*The petitioner resorted to extending undue accommodation to Shri Surjeet Singh while sanctioning/ disbursing the loans in blatant violation of the Bank's lending guidelines, systems and procedures.*
Article – 4 :	*The petitioner resorted to extending undue accommodation to Shri Tej Pal Singh, Proprietor of Pal Agencies by sanctioning a term loan of Rs. 18.00 Lakhs to his spouse namely Smt. Rajneesh Kaur Khanuja, Proprietor of Raj Tent Services, on 16.11.2019, to regularize the Total Outstanding Liabilities of Rs. 11.00 Lakhs, allowed by the petitioner in the account of Pal Agencies, on 18.10.2019, which was overdue since 17.11.2019, thereby blatantly violating the Bank's guidelines, systems and procedures.*
Article – 5 :	*The petitioner acted in a grossly negligent manner while recommending a home loan in the name of Shri Dilip Kumar Singh on 15.07.2022 at*

Gurudwara Saheb Branch for purchase and construction of house on the same land/ property for which the petitioner had already sanctioned a loan to Praveen Kumar Singh on 17.01.2019 for repair/ renovation and additional construction of house while the petitioner was posted at St. Xavier's Branch.

5. The petitioner replied to the Articles of Charge vide letter dated 26.07.2024.

6. The Presenting Officer and the petitioner have attended the preliminary hearing held on 26.07.2024 and during the preliminary hearing, the petitioner was called upon to state whether the petitioner admits or deny the charges leveled against the petitioner.

7. The Inquiry officer had submitted a report dated 26.07.2024 and has given a finding that since, the enquiry has been dispensed with on the acceptance of the charges by the petitioner vide letter dated 26.07.2024 in respect of Article of charges dated 23.04.2024 for the acts of misconduct alleged to have been committed by the petitioner during his tenure as Senior Branch Manager at Bank's CGSCE Engineering College Road, Branch, St. Xavier's School Branch and Gurudwara Saheb Branch, Bokaro Zone, for the period from 01.08.2016 to 03.06.2017, 05.06.2017 to 10.08.2020 and 23.05.2022 to 30.11.2022 respectively.

Further, in the enquiry report it was submitted that in view of the admission of the charges leveled against the petitioner, the enquiry proceedings were dispensed with and the enquiry authority has recorded his findings and based upon the documents found the charges against the petitioner to be proved.

8. The penalty order dated 04.10.2024 of removal from service which shall not be a disqualification for future employment was inflicted upon the petitioner by the disciplinary authority and further an appeal dated 12.12.2024 was preferred against the penalty order and the Appellate Authority vide order dated 20.01.2025 has dismissed the appeal.

Case of the Petitioner

9. At the preliminary hearing itself without any evidence being led, any witness examined, or any document formally proved or tendered for cross examination, the petitioner was called upon to state whether he admitted or denied the charges. Thereupon, the petitioner submitted a letter on 26.07.2024, which forms the sole basis on which the Inquiry Officer proceeded to dispense with the enquiry in its entirety.

On the very same day i.e. 26.07.2024, the Inquiry Officer recorded its finding and concluded that the charges against the petitioner stand proved and the manner in which they were recorded on the same date at the preliminary hearing itself.

10. There is no unconditional, unequivocal admission of guilt and the letter dated 26.07.2024 is not an unconditional admission and there was denial of the very foundation of the charges. The petitioner has relied upon the judgment passed by the Hon'ble Supreme Court in the case of ***Sita Ram Bhau Patil versus Ram Chandra Nago Patil and Another*** reported in ***(1977) 2 SCC 49*** and the judgment passed by the High Court of Calcutta in the case of ***Raj Kumar Dey versus State Bank of India and Others*** reported in ***2018 SCC OnLine Cal 3509*** to submit that there has to be clear and unequivocal admission and further strict rules of evidence applicable to Court proceedings do not apply to the letters exchanged between the parties.

11. The petitioner has further pleaded in the writ petition at paragraph 31 that similarly situated person namely Divya Kiran Toppo who was the recommending officer/ appraising officer was also charge sheeted in the same accounts as that of the petitioner, and on acceptance of the charges, she was awarded punishment of reduction of one increment only for one year, whereas, the petitioner who was the mere sanctioning authority based on the recommendation of Divya Kiran Toppo, the petitioner was removed from services which is extremely harsh and disproportionate punishment under the given circumstances.

12. The petitioner has relied upon the judgment passed by the Hon'ble Supreme Court in the case of ***Rajendra Yadav versus State of Madhya Pradesh and Others*** reported in ***(2013) 3 SCC 73*** to submit that the doctrine of equality applies to all who are equally placed, even among persons who are found guilty and the disciplinary authority cannot impose punishment which is disproportionate.

Case of the Respondents

13. The petitioner was charge sheeted on 23.04.2024 for reckless loan sanctioning, non-monitoring of end use, suppression of his wife's involvement in projects he sanctioned, undue accommodation to borrowers and causing NPA/ loss of Rs. 31.59 lakh at three Bokaro Zone Branches between the period 2016 to 2022.

At the preliminary hearing on 26.07.2024, the petitioner unconditionally admitted all the charges and the Inquiry officer accordingly dispensed with a full enquiry and returned findings on the same day holding charges to be proved and on the basis of which the disciplinary authority imposed a punishment of removal from service on 04.10.2024 and further, the appeal preferred by petitioner was rejected on 20.01.2025.

14. Once an unconditional admission is made, no full-fledged enquiry is required and the parity with another officer does not apply in the case of petitioner as the petitioner held

greater responsibility as sanctioning authority and the Courts don't sit in appeal over departmental enquiry finding in absence of perversity or gross illegality.

Analysis

15. It is settled law that an admission must be specific, clear, unconditional, unqualified and unequivocal. The Hon'ble Supreme Court in the case of *Sita Ram Bhau (supra)* has held at paragraph 17 :-

> *"17. If admission is proved and if it is thereafter to be used against the party who has made it the question comes within the provisions of Section 145 of the Evidence Act. The provisions in the Indian Evidence Act that 'admission is not conclusive proof are to be considered in regard to two features of evidence. First, what weight is to be attached to an admission ? In order to attach weight it has to be found out whether the admission is clear, unambiguous and is a relevant piece of evidence. Second, even if the admission is proved in accordance with the provisions of the Evidence Act and if it is to be used against the party who has made it, "it is sound that if a witness is under cross-examination on oath, he should be given an opportunity, if the documents are to be used against him, to tender his explanation and to clear up the point of ambiguity or dispute. This is a general salutary and intelligible rule" (see Bal Gangadhar Tilak v. Shrinivas Pandi'). The Judicial Committee in that case said, "it has to be observed with regret and with surprise that the general principle and the specific statutory provisions have not been followed". The general principle is that before any person is to be faced with any statement, he should be given an opportunity to see that statement to answer the same. The specific statutory provision is contained and in Section 145 of the Indian Evidence Act that "A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him". Therefore, a mere proof of admission, after the person whose admission it is alleged to be has concluded his evidence, will be of no avail and cannot be utilised against him."*
>
> *Emphasis Supplied*

16. The Calcutta High Court in the case of *Raj Kumar Dey (supra)* has held at paragraph 24:-

> ***"24.** The fulcrum of the appellant's case is the letter dated 10 December, 2015 written by the Bank's Advocate to the appellant's*

*Advocate. We have adverted to the single sentence in the said letter which has been relied upon by learned Counsel for the appellant. In our view, the said sentence i.e. that to prevent every possibility of tampering of documents and inducing the witness of prosecution your client is not allow to join, cannot be read in isolation. The statements in paragraphs 4 to 8 of the appellant's Advocate's letter dated 16 September, 2015 have been denied in the Bank's Advocate's letter dated 10 December, 2015. It is true that there is no specific denial and there is only a general denial. However, the strict rules of pleadings applicable to Court proceedings can hardly be applied to letters exchanged between two parties. Further, the possibility that indeed the Bank's Advocate wrote that sentence without instruction to that effect as has been strenuously contended by the Bank, cannot be ruled out at this stage. The positive case of the Bank in its affidavit is also that nobody in the Bank prevented the appellant from joining work. The truth will come out only upon a detailed investigation involving examination and cross-examination of witnesses in a duly conducted trial in a civil suit.***"***

Emphasis Supplied

17. Having regards to the settled proposition of law, now it is necessary to refer the reply of the petitioner dated 26.07.2024 which is the sole basis of his termination is quoted herein below for reference:-

"With reference to your query related to whether I admit or deny the charges levelled against me, I have to submit that I am not going to contest against the mother institution and has firm belief that the kind management of the Bank will take a just and considered view to my appeal hence I admit and accept the charges levelled against me vide Articles of Charge dated 23.04.2024.

I further have to submit that, to meet the business targets I used to canvass number of business personal in normal course of business and in that connect I also canvassed my spouse as well. Who in turn helped me to get some housing loan leads in the business firm she was associated with. All the Banking Norms related to business were compiled in letter and spirit and the Sank stood as a gainer in whole process. As well, there being no trace of evidences alleging me of gaining something out of all this i.e. no malice has been established against me. All the loans sanctioned in question are genuine accounts and are true accounts. The only lapse I made unknowingly is that I was not aware that the business canvassed from my spouse can go against me. However, it is but true that anywhere one needs to get some relationship to canvass any business and that too is mine case. My emotional spirit is down to such an extent that due to this whole

victimization I could not breathe a sound sleep since last year or so. More particularly, had I been not a party to all this, I could have canvassed crores of business for the Bank being run by some known person to me and who have moved to other financial institutions only because of the reason that they saw me struggling for the good act done. I do understand that Bank's norms are not to be compromised at any stage but the instant act is beyond my fortune as literally I was not aware of the norms, nor was I guided by any of my colleagues and superiors in the matter. In effect I was praised number of times being that I was a market champion.

It is a fact that since I am now associated with another-Bank's Affiliated Association which is on downsize in terms of associated members but is a challenge to the existing larger part, hence people want me to face highest degree of humiliation. But, I am a firm believer that My Bank's Management has a true spirit and is committed to protect interest of each and every employee, hence I am of the mood to not to contest against my mother institution. I believe that my statements submitted and recorded during this entire episode will be taken to count. Without prejudice to all the things stated above- how before the management that I have acted as a prudent banker, however has to face all this trauma. I have a humble submission to the Esteemed Management of my Bank to take a lenient view"

Emphasis Supplied

18. From bare perusal of the letter dated 26.07.2024 it clearly transpires that the same is not the unconditional admission as the petitioner denies the very foundation of the charge as the petitioner denies the *dishonest intent* and the falsity of the underlying transactions as he categorically said **"***there being no trace of evidences alleging me of gaining something out of all this i.e. no malice has been established against me. All the loans sanctioned in question are genuine accounts and are true accounts"* and further, a statement was made in the letter dated 26.07.2024 expressly stating that *the management will take a just a considered view to my appeal "without prejudice to all the things stated above"* is a statement

without prejudice, coupled with a request for lenient view is not an unqualified admission of guilt.

19. In these circumstances, on the basis of the purported admission that the enquiry has been dispensed with, on the acceptance of the charges by the petitioner vide his letter dated 26.07.2024, is erroneous in law.

20. A full-fledged enquiry i.e. examination of evidence, formal proof of documents and opportunity of cross examination and the principles of natural justice could not lawfully be dispensed with on the strength of the letter dated 26.07.2024.

21. As a matter of fact, in the preliminary hearing, the petitioner's letter and the Inquiry officer findings were recorded on the same dated i.e. 26.07.2024 without any evidence being led, any witness examines or any document formally proved or tendered for cross examination.

22. The findings are perverse, being vitiated by non-application of mind as in the present case it is based on no evidence and further, documents have not been proved by oral witnesses.

23. Further, the Hon'ble Supreme Court in the case of *Rajendra Yadav (Supra)* has dealt with the principle regarding parity among co-delinquents which needs to be maintained while imposing punishment. The Hon'ble Supreme Court in the said case has held at paragraphs 8 to 11:-

> ***"8.*** *We have gone through the inquiry report placed before us in respect of the appellant as well as Constable Arjun Pathak, The inquiry clearly reveals the role of Arjun Pathak, It was Arjun Pathak who had demanded and received the money, though the tacit approval of the appellant was proved in the inquiry. The charge levelled against Arjun Pathak was more serious than the one charged against the appellant. Both the appellants and other two persons as well as Arjun Pathak were involved in the same incident. After having found that Arjun Pathak had a more serious role and, in fact, it was he who had demanded and received the money, he was inflicted comparatively a lighter punishment. At the same time, the appellant who had played a passive role was inflicted with a more serious punishment of dismissal from service which, in our view, cannot be sustained.*
>
> ***9.*** *The doctrine of equality applies to all who are equally placed; even among persons who are found guilty. The persons who have been found guilty can also claim equality of treatment, if they can establish discrimination while imposing punishment when all of them are involved in the same incident. Parity among co-delinquents has also to be maintained when punishment is being imposed. Punishment should not be disproportionate while comparing the involvement of co-delinquents who are parties to the same transaction or incident. The disciplinary authority cannot impose punishment which is disproportionate i.e. lesser punishment for serious offences and stringent punishment for lesser offences.*
>
> ***10.*** *The principle stated above is seen applied in a few judgments of this Court. The earliest one is DG of Police v. G. Dasayan[2] wherein one Dasayan, a police constable, along with two other constables and one Head Constable were charged for the same acts of misconduct. The disciplinary authority exonerated two other constables, but imposed the punishment of dismissal from service on Dasayan and that of compulsory retirement on the Head Constable. This Court, in order to meet the ends of justice, substituted the order of compulsory retirement in place of the order of dismissal from service on Dasayan, applying the principle of parity in punishment among co-delinquents. This Court held that it may, otherwise, violate Article 14 of the Constitution of India.*
>
> ***11.*** *In Shailesh kumar Harshadbhai Shah case the workman was dismissed from service for proved misconduct. However, few other workmen, against whom there were identical allegations, were allowed to avail of the benefit of voluntary retirement scheme. In such circumstances, this Court directed that the workman also be treated on the same footing and be given the benefit of voluntary retirement from service from the month on which the others were given the benefit."*

24. It is settled law that the quantum in a disciplinary proceeding, while primarily a matter for the disciplinary authority, is subject to judicial review on the ground of

proportionality. None of the charges framed against the petitioner establishes any personal dishonest gain by the petitioner and further, there is no finding that the bank has lost faith and trust against the petitioner. Further, there is no finding that the bank suffered any loss on account of dishonesty, nor any finding that the petitioner acted for private benefit; rather than in what he believes the ordinary course of business.

25. Further, on perusal of paragraph 18 of the counter affidavit which itself discloses that another officer connected with the same transactions, namely Divya Kiran Toppo was awarded a lesser punishment. While parity is not claimed as matter of right, the differential treatment by the respondent is the relevant circumstance bearing on whether removal, one of the severest penalties, available under Regulations. The imposition of the severest available penalty on the petitioner, set against a minor penalty on the officer whose recommendation founded the very sanctions in question and independently establishes that the punishment shocks the conscience of the court.

26. Having regard to the aforesaid facts and circumstances of the case and the discussions made herein above, this court is having no hesitation in holding that the punishment of removal from service in the event of findings in the enquiry report to be perverse, the punishment awarded to the petitioner is too harsh, a punishment which is totally disproportionate and the same certainty shock judicial conscience.

27. It is well settled that in a disciplinary proceeding, if a Court finds the punishment imposed to be disproportionate, it typically remands the matter back to the Disciplinary Authority for reconsideration of the punishment. Courts generally do not substitute their own judgment on the appropriate punishment, but rather, they direct the relevant authority to re-evaluate the quantum of punishment.

28. In other words, in a disciplinary proceeding, while courts can review the legality and procedural fairness, they generally cannot substitute their own judgment. Remanding a case back for further proceedings is not automatic, and courts should strive to resolve cases on the merits. The Hon'ble Supreme Court in the case of ***Allahabad Bank Vrs. Krishna Narayan Tewari*** reported in ***(2017) 2 SCC 308*** has held at paragraph-8:-

> ***"8.*** *There is no quarrel with the proposition that in cases where the High Court finds the enquiry to be deficient, either procedurally or otherwise, the proper course always is to remand the matter back to the authority concerned to redo the same afresh. That course could have been followed even in the present case. The matter could be remanded back to the disciplinary authority or to the enquiry officer for a proper enquiry and a fresh report and order. But that course may not have been the only course open in a given situation. There may be situations where because of a long time-lag or such other supervening circumstances the writ court considers it unfair, harsh or otherwise unnecessary to direct a fresh enquiry or fresh order by the competent authority. That is precisely what the High Court has done in the case at hand.****"***

29. Having considered the basis on which the punishment of removal from service was imposed on the petitioner, particularly the fact that the letter dated 26.07.2024 is an unconditional admission, while ignoring the material parts of that very letter which expressly denies the foundation of the charge and the preliminary hearing, the petitioner's letter and charges were proved on the same date i.e. 26.07.2024 without any evidence being led, any witness examined, or any document formally proved or tendered for cross examination and further the petitioner is aged about 47 years at present and looking to the facts and circumstances of this case, to avoid further prolonged litigation it would be appropriate if the punishment of removal from service is modified.

30. On the said basis, the impugned punishment order dated 04.10.2024 and the appellate order dated 20.01.2025 is set-aside and the petitioner be imposed a punishment of

withholding of two annual increment with cumulative effect in substitution of punishment of removal from service awarded by the disciplinary authority.

31. The petitioner shall be reinstated in service forthwith and the consequential benefits shall be released after modifying the punishment order. The said exercise shall be completed within eight weeks from the date of the receipt/ production of the order.

32. Accordingly, the instant writ application stands allowed.

Pending I.As if any also stands disposed of.

(Deepak Roshan, J.)

Dated: 23 /09/2026
Amardeep/
A.F.R
Uploaded
24/09/26