HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
****
CWP-16401-2003 (O&M)
Decided on 13.01.2026
****

Azad Singh Kharab ... Petitioner

VS.

Union Bank of India & Ors. ... Respondents
****

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL
****

Present: Mr. Sandeep Sharma, Advocate for the petitioner

Mr. KK Gupta, Advocate for the respondents
****

Sandeep Moudgil, J.

(1). The present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking issuance of a writ in the nature of certiorari for quashing the order dated 26.06.2001 (Annexure P9) as well as the order dated 13.03.2003 (Annexure P11) vide which punishment of reduction by two stage in Time Scale of pay and censure has been imposed and the appeal preferred thereagainst has been dismissed.

(2). The petitioner, a Special Assistant with the respondent Bank at Hisar, was granted permission on 11.05.1989 to function as Honorary Secretary of "Union Bank of India Cooperative Urban (B.E.) Thrift and Credit Society Ltd., Hisar" under Rule 19.5 of the Bipartite Settlement.

(3). In January 2000, a complaint was filed alleging that the petitioner was engaged in activities and trade outside the scope of his normal duties. The petitioner was thereafter placed under suspension vide order dated 18.01.2000 followed by charge-sheet dated 02.03.2000 alleging engagement in trade/business through the said Society, beyond the scope of his duties and prejudicial to the Bank.

(4). The reply dated 28.04.2000 filed by the petitioner was found not satisfactory and a regular departmental enquiry was held and the Enquiry Officer, after recording evidence of the management and the defence, submitted his report dated 11.06.2001 holding the petitioner guilty of gross misconduct of engaging in trade/business outside the scope of his duties, while exonerating him of one article of gross misconduct and holding him guilty of a minor misconduct. Consequently, penalty of reduction by two stages in time scale of pay for gross misconduct and censure for minor misconduct was imposed vide impugned order dated 26.06.2001 (Annexure P9). The statutory appeal preferred by the petitioner was dismissed vide order dated 13.03.2003 (Annexure P11).

(5). Aggrieved, the petitioner has filed the present writ petition.

Contention on behalf of the petitioner

(6). Learned counsel for the petitioner contends that the petitioner was validly permitted to function as Honorary Secretary of the Society which was confined to employees of Union Bank of India and Punjab National Bank, and that its functioning was fully within the knowledge of the Bank at the time of granting permission. He asserts that the complaint leading to suspension was false, that a copy of the complaint and other incriminating material was never supplied despite his request dated 23.03.2000, and that the reply to the charge-sheet was not considered before directing a regular enquiry.

(7). He further submits that the enquiry was conducted in breach of principles of natural justice as the adverse material and original complaint were allegedly not supplied, and that the Enquiry Officer's report was acted upon without affording an effective opportunity to show cause, thereby vitiating the punishment. Counsel argued that the alleged acts, even if accepted, did not constitute “trade or business” within the meaning of gross misconduct under Rule 19.5 of the Bipartite Settlement and that the punishment is disproportionate inasmuch as the respondents failed to adduce any evidence on record showing the petitioner to have ever found doing any work for the society or any other work outside his duty hours.

Contention on behalf of the respondent

(8). On the other hand, learned counsel for the respondent-Bank on the basis of the averments made in the written statement filed by respondents No.1 to 3, vehemently contends that the charges are grave and substantial as the petitioner, while acting as Secretary of “Union Bank of India Employees Cooperative Urban (S.E.) Thrift and Credit Society”, enrolled more than 2500 members and extended operations far beyond Hisar and Haryana into Punjab, Himachal Pradesh and Delhi, thus engaging in an extensive business enterprise outside the scope of his duties in utter breach of Rule 19.5 of the Bipartite settlement.

(9). The respondent specifically pleads that the enquiry was conducted strictly in accordance with the Bipartite Settlement and all the enquiry proceedings and documents relied upon by either side were supplied to him and he was afforded a free and fair opportunity to lead his defence. The Enquiry Officer’s detailed and reasoned report was supplied under cover of the show-cause letter dated 11.06.2001 thereafter, the petitioner was given a further opportunity of personal hearing on 25.06.2001 before the disciplinary authority imposed the impugned penalty. It is urged that the appellate authority re-appreciated the record and dismissed the appeal by a reasoned order, and that since the writ petition, raises no specific plea of procedural irregularity or prejudice, it does not warrant interference within the narrow confines of judicial review.

(10). Heard learned counsel for the parties.

Analysis

(11). A meticulous reading of the record shows that the petitioner has not pointed out any concrete instance where he was denied a document relied upon in the enquiry, or where any request for summoning a witness or document was refused, nor has he specifically pleaded what prejudice was caused by the alleged non-supply of the original complaint once the charge-sheet and supporting materials were disclosed.

(12). The allegation against the petitioner is one of engaging in trade or business outside the scope of his duties, by running and expanding the activities of the Society as a large financial operation across several States with more than 2500 members. Whether such activity constitutes "trade or business" and falls within gross misconduct under Rule 19.5 of the Bipartite settlement is a matter that was considered by the Enquiry Officer on the basis of evidence led, and the disciplinary and appellate authorities have accepted those findings. It is settled that in judicial review, this Court does not reassess the sufficiency or adequacy of evidence; interference is justified only when findings are perverse, based on no evidence or arrived at in disregard of mandatory procedure.

(13). The Supreme Court in ***Deputy General Manager (Appellate Authority) & Others v. Ajai Kumar Srivastava, (2021) 2 SCC 612*** has reiterated that judicial review of disciplinary enquiries is confined to examining the decision-making process, including adherence to natural justice and absence of perversity or mala fides, and that the High Court cannot sit in appeal over the findings or re-appreciate evidence. Applying that standard, this Court finds that the enquiry was conducted in a fair and proper manner, with adequate opportunity to the petitioner, and there is no demonstrable violation of natural justice so as to vitiate the proceedings. No such perversity or patent illegality has been demonstrated. The Enquiry Officer has, in fact, extended benefit of doubt on one article of charge, which indicates a balanced appreciation of the material.

(14). Otherwise also, the petitioner's argument that his role was merely "honorary" and therefore immune from Rule 19.5 of the Bipartite settlement is essentially a plea on merits. Once the competent authorities, on evidence, have found that he effectively conducted a large-scale business activity in the name of the Society outside the permissible scope, this Court cannot supplant its own view.

(15). Dismissed.

(16). Pending applications, if any, stands disposed of.

13.01.2026
V.Vishal

(Sandeep Moudgil)
Judge

*1. Whether speaking/reasoned? : **Yes/No***
2. Whether reportable? : Yes/No