HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-7287-2021 (O&M)
Decided on 25.03.2026

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Gurmukh Singh ... Petitioner

VS.

Punjab & Sind Bank & Ors. ... Respondents

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CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

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Present: Mr. HC Arora, Advocate for the petitioner

Mr. MS Rana, Advocate for the respondents

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<u>Sandeep Moudgil, J.</u>

(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 inquiry report dated 26.07.2017 (Annexure P3) and the punishment order dated 14.11.2017 (Annexure P7) and the appellate order dated 09.03.2018 (Annexure P9) whereby major penalty of reduction to a lower stage in the time scale of pay by two stages permanently has been imposed which shall adversely affect his pension and terminal dues under Regulation 4(f) of the Punjab & Sind Bank Officer Employees' (Discipline & Appeal) Regulations, 1981 (in short, the 1981 Regulations).

(2). The petitioner, an officer of Punjab & Sind Bank, was charge-sheeted on 24.06.2016 for loan-related irregularities. He was to retired w.e.f. 30.06.2016. In the enquiry proceedings, the charges were partly proved and he was exonerated on the allegations touching honesty/integrity. The Disciplinary Authority, after issuing the inquiry report with a note of disagreement and considering the petitioner's representation, passed order dated 14.11.2017 (Annexure P7), imposing reduction by two stages in time scale of pay permanently under Regulation 4(f) of the 1981 Regulations with a direction that the penalty shall adversely affect pension and terminal dues, which was later affirmed in appeal.

(3). Learned counsel for the petitioner contends that post-retirement, the disciplinary authority lacked jurisdiction to impose any penalty other than recovery from pension and to reinforce his contention, he placed reliance on ***UCO Bank v. Rajinder Lal Capoor, 2007 (3) SCT 529***. He further submits that under Section 48(1) of the Punjab & Sind Bank (Employees) Pension Regulations, 1995 (in short, the 1995 Regulations), pension could be withheld/withdrawn only after consultation with the Board of Directors, which has not been done and instead, the Disciplinary Authority overturned the Inquiry Officer's exoneration on integrity, and imposed the punishment which is totally disproportionate as no loss is quantified.

(4). In reply, the respondents submit that by letter dated 30.06.2016, the Competent Authority expressly invoked Regulation 20(3)(iii) of the Punjab & Sind Bank (Officers') Service Regulations, 1982, clearly stipulating that though the petitioner would stand relieved on superannuation, the disciplinary proceedings shall continue as if he were in service till final order. He argued that the petitioner is seeking re-appreciation of evidence, which is impermissible in writ jurisdiction.

(5). It is further submitted that the petitioner has not challenged Regulation 20(3)(iii) of the 1982 Regulations nor the said letter has been challenged and placed reliance on ***State Bank of India v. Ram Lal Bhaskar, (2011) 10 SCC 24*** to contend that continuation of proceedings post-retirement and imposition of penalties, including reduction in pay affecting pension through refixation, is permissible.

(6). On consideration, this Court finds that the charge sheet was issued and served while the petitioner was in service and that Regulation 20(3)(iii), which is a specific enabling provision, was duly invoked, permitting continuation of the disciplinary proceedings after superannuation "as if he were in service" until final orders. The petitioner has not laid any challenge to this Regulation or to the communication invoking it.

(7). The Supreme Court in ***Virinder Pal Singh vs. Punjab and Sind Bank & Ors. Civil Appeal No.3571 of 2026*** decided on 19.03.2026, dealing with the same Bank and the same regulatory framework, has categorically held that where such a deeming-continuation clause exists, disciplinary proceedings initiated during service may continue after retirement, and penalties like reduction in time scale of pay imposed thereafter can operate through refixation of pension, since pension is ordinarily computed on salary last drawn/payable. The earlier ruling cited by the petitioner in ***Rajinder Lal Capoor*** turned on absence of such an enabling rule and is thus distinguishable.

(8). The impugned order is a disciplinary penalty under Regulation 4(f) of the 1981 Regulations, not an independent order of withholding/withdrawing pension under the Pension Regulations. Its adverse effect on pension and terminal dues is only a statutory consequence of validly imposed reduction in pay; therefore, the requirement of prior Board consultation under the Pension Regulations is not attracted. This position too stands clarified in ***Virinder Pal Singh***, where the Supreme Court approved post-superannuation pay-reduction being implemented via pension refixation under these very Regulations.

(9). As regards the Disciplinary Authority's dissent and findings on integrity, the record shows that the inquiry report, the note of disagreement, and the petitioner's representation were all exchanged and considered. In terms of ***State Bank of India vs. Ram Lal Bhaskar (2011) 10 SCC 249***, the Disciplinary Authority is competent to disagree with the Inquiry Officer, provided due opportunity is given, and the High Court cannot sit in appeal over such findings so long as they are based on some evidence and the decision-making process is fair. No specific instance of reliance on undisclosed material has been demonstrated.

(10). Having said so, the punishment awarded to the petitioner namely, reduction in the time scale of pay by two stages permanently, with a further direction that the penalty shall adversely affect the petitioner's pension and terminal dues under Regulation 4(f) of the 1981 Regulations does not invite any interference of this Court. Needless to say that the reduction in pay would, by necessary implication, operate from the date of the petitioner's superannuation and his pension and terminal dues are liable to be computed on such reduced last-pay-drawn basis, strictly in line with the ratio laid down in ***Virinder Pal Singh's*** case (supra)

(11). Dismissed.

(12). Pending application(s), if any, stands disposed of.

24.03.2026
V.Vishal

(Sandeep Moudgil)
Judge

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