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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 8117/2018 & CM APPL. 31143/2018

SH. DEVENDER KUMAR .....Petitioner

Through: Mr. Shakil Akhtar, Adv.

versus

BANK OF BARODA AND ORS. .....Respondents

Through: Ms. Praveena Gautam, Mr. Pawan Shukla, Ms. Tissy Annie Thomas & Mr. Rohank Bansla, Advs. for Bank of Baroda.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **06.01.2026**

1. The Petitioner was employed as a Head Cashier at the Saket Branch, New Delhi of Respondent No. 1, i.e., Bank of Baroda. The Petitioner had rendered long service of about 21 years. However, on 10th March, 2016, a discrepancy was noticed in the cash account, inasmuch as the opening balance and the closing balance did not tally, resulting in a reported shortage of INR 10,88,850/-. The Cash Department was being handled by the Petitioner and, since the cash shortage had occurred while the cash was under his custody, a charge-sheet was issued to the Petitioner. This was followed by disciplinary proceedings, which culminated in an order dated 31st October, 2016, holding substantially all the charges levelled against the Petitioner to be proved.

2. On the basis of the enquiry report, the Disciplinary Authority, by

order dated 31st October, 2016, imposed the penalty of dismissal from service upon the Petitioner. Aggrieved thereby, the Petitioner preferred a departmental appeal before the Appellate Authority, which came to be dismissed by order dated 13th March, 2018.

3. In the aforesaid backdrop, the Petitioner has approached this Court by invoking Article 226 of the Constitution of India, seeking interference with the disciplinary action and the orders passed against the Petitioner.

4. Mr. Shakil Akhtar, counsel for the Petitioner, makes the following submissions:

4.1. The Petitioner had rendered about 21 years of unblemished service as a Head Cashier with the Respondent Bank, earning regular increments and promotions, and that no allegation of dishonesty or misconduct had ever been levelled against him prior to the alleged incident. This long and blemish-free service history strongly militates against any inference of deliberate misappropriation or dishonest intent.

4.2. The alleged cash shortage of INR 10,88,850/- cannot be attributed to any negligence or misconduct on the part of the Petitioner and, at the highest, the incident reflects an inadvertent human error arising out of exceptional work pressure. On the date in question, the branch witnessed an unusually high volume of cash transactions, nearly 120 transactions as against the normal 50–75, and the Petitioner was also under personal time constraints as he had to attend family marriage ceremonies of his nieces scheduled for the evening of 10th March, 2016.

4.3. The cash handling on 10th March, 2016 was not the exclusive responsibility of the Petitioner. In the morning, the Petitioner and the Joint Manager-cum-Accountant, Mr. N.K. Agnihotri (Respondent No. 4), jointly opened the safe and withdrew INR 21 lakhs for disbursement. Later in the afternoon, both officials again jointly opened the safe to withdraw INR 75 lakhs for handing over excess cash to the Currency Chest staff, thereby demonstrating shared custody and responsibility.

4.4. During the process of handing over cash to the Currency Chest staff, and owing to confusion between sorted and unsorted currency, the Petitioner inadvertently handed over INR 20 lakhs instead of INR 10 lakhs, resulting in the Currency Chest staff leaving the branch with INR 85 lakhs against a voucher of INR 75 lakhs.

4.5. Upon verification in the evening, the Petitioner discovered the shortage of INR 10,88,850/-, re-checked the cash, and immediately informed the Branch Manager, Ms. Shweta Kumar (Respondent No. 3).

4.6. Of the total shortage detected, the sum of INR 10,00,000/- stands duly explained on account of the inadvertent excess remittance made to the Currency Chest. The residual amount of INR 88,850/- could have been lost due to excess payment to customers or access by other staff members, including Currency Chest personnel and a Daftari, during the period when multiple officials had access to the cash area.

4.7. The role of other officials, particularly the Joint Manager, Currency Chest staff, and supporting staff, was never properly investigated, despite repeated requests by the Petitioner. The Enquiry Officer and Appellate Authority allegedly proceeded on presumptions, fastening sole responsibility upon the Petitioner merely because he was the Head Cashier.

4.8. The enquiry proceedings are vitiated by serious procedural irregularities, including the non-consideration of CCTV footage, which constituted vital corroborative evidence, and the denial of legal representation to the Petitioner in appeal despite a specific order of this Court dated 23rd October, 2017 and the provisions of the Bipartite Settlement. The appellate order dated 13th March, 2018 is non-speaking and mechanical.

4.9. The disciplinary proceedings were conducted in a biased and coercive manner, with the Petitioner being pressurised to compensate the alleged shortage, forced to give statements, and to hand over blank cheques under threat of police action and dismissal. Even otherwise, no witness has seen the Petitioner misappropriating cash and, in the absence of proof of dishonest intent, the punishment of dismissal from service is grossly disproportionate and arbitrary.

5. On the other hand, Ms. Praveena Gautam, counsel for the Respondents, submits that there has been no violation of the principles of natural justice at any stage of the departmental proceedings. The Petitioner was afforded full opportunity to defend himself and was expressly permitted, under the applicable Bipartite Settlement dated 10th April, 2002, to be represented by a representative of a registered trade union of Bank Employees of which he was a member. The Petitioner consciously declined the said opportunity and opted to defend himself. Having voluntarily done so, and having never raised any grievance either before the Enquiry Officer or in his representation to the Disciplinary Authority, the Petitioner cannot now contend that denial of legal representation vitiated the proceedings.

6. Further, the Appellate Authority, while complying with the directions issued by this Court in earlier proceedings, passed a reasoned order explaining why representation through a lawyer was not permitted. The charges involved were purely factual and not of such complexity as to

necessitate legal representation. There are concurrent and well-reasoned findings returned by the Enquiry Officer, Disciplinary Authority and Appellate Authority, which do not suffer from procedural or legal infirmity.

7. Ms. Gautam further submits that the Petitioner repeatedly admitted his negligence leading to a cash shortage of INR 10,88,850/- and accepted responsibility for making good the loss. He tendered cheques towards repayment which were dishonoured and thereafter made a written admission acknowledging that the shortage had occurred due to his negligence and expressing willingness to liquidate immovable property to compensate the Bank. The explanations offered by the Petitioner, including alleged heavy rush of work or personal engagements, are wholly unacceptable for a Head Cashier. The issue of CCTV footage was never raised during the enquiry and, in any event, stands eclipsed by the Petitioner's own confessional statements. The acts and omissions of the Petitioner constitute gross misconduct under the applicable service conditions, have caused substantial financial loss and tarnished the image of the Bank.

8. The Court has considered the contentions and perused the material on record. It emerges from the record, and stands duly noticed in the disciplinary proceedings, that a cash shortage of INR 10,88,850/- occurred while the cash was under the custody of the Petitioner. There is hardly any dispute that the Petitioner, being the Head Cashier, was responsible for the custody and handling of the cash at the relevant time. The Petitioner also tendered two cheques towards making good the loss, one for INR 4 lakhs and another for INR 3.25 lakhs, both of which were returned unpaid. Further, on the very date of the incident, the Petitioner gave a written communication acknowledging the shortage of cash in his custody.

9. Subsequently, the Petitioner admitted that the shortage had occurred due to his negligence and expressed his readiness and willingness to compensate the Respondent Bank by disposing of immovable property, along with proposals relating to fixed deposits. These admissions are clear, voluntary, and contemporaneous, and form a significant piece of evidence in the disciplinary proceedings.

10. The explanations offered by the Petitioner to justify the misconduct, namely, the alleged heavy volume of cash transactions on the relevant date and his personal engagement to attend the marriage of his niece, are, in the opinion of this Court, wholly unconvincing. Such reasons cannot be accepted, considering the sensitive and fiduciary nature of the duties attached to the post of a Head Cashier, which demands the highest degree of care, diligence, and integrity.

11. The Petitioner's attempt to shift responsibility onto other officials, including staff from the Currency Chest, is equally untenable. There is no material on record to substantiate such an assertion or to demonstrate that any other official was responsible for the shortage. The mere presence or access of other personnel does not absolve the Petitioner of his primary responsibility as the custodian of cash.

12. As regards the contention relating to non-production of CCTV footage, it is evident that this issue was never raised before the Enquiry Officer. In any event, even if such footage were available, it would, at best, indicate the presence of certain individuals in the cash area and would not mitigate or negate the admitted negligence and misconduct on the part of the Petitioner.

13. The confessional statements made by the Petitioner on multiple

occasions, wherein he admitted his negligence and accepted responsibility for the shortage, remain unrebutted. There is nothing on record to dislodge or explain away these admissions, which stand duly proved through the evidence led by the management witnesses.

14. The acts and omissions attributable to the Petitioner clearly constitute gross misconduct under the Bipartite Settlement. Having regard to the position of trust held by the Petitioner and the substantial financial loss of INR 10,88,850/- caused to the Respondent Bank, this Court finds no justification to interfere with the penalty imposed. The punishment of dismissal from service cannot be said to be arbitrary or disproportionate so as to warrant interference in exercise of the Court's discretionary jurisdiction under Article 226 of the Constitution of India and to direct imposition of any lesser punishment.

15. Accordingly, the present petition is dismissed.

SANJEEV NARULA, J

JANUARY 6, 2026/*ng*