IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24064 of 2013

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Paras Nath Mishra S/O Late Harkhit Mishra, Presently Officer Mmgs - Ii, Posted In The State Bank Of India, Regional B Situated In Front Of Suri High School, Town and District - Madhubani - 842211, State Of Bihar

... ... Petitioner/s

Versus

1. The State Bank Of India, through Chairman-cum-Managing Director, Office situated at State Bank Bhawan, Madame Cama Road, Nariman Point, Mumbai – 400021, State of Maharastra.
2. Chief General Manager And Appellate Authority, State Bank Of India, Local Head Office L.H.O. , West Gandhi
3. General Manager And Appointing Authority, Vigilance Department, State Bank Of India, Local Head Office (L.H.O.) West Gandhi Maidan, Post Box No. 103, Town & District-Patna-800001, State of Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Thakur, Adv
		Mr. Manish Jha, Advocate
For the Respondent/s	:	Mr. Kaushlendra Kumar Sinha
For the SBI	:	Mr. Anjani Kumar Mishra, Advocate
		Mr. Ambarish Bhardwaj, Advocate
		Mr. Sanjeev Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

CAV JUDGMENT

Date : 18-09-2026

Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs:-

> *"1. To quash / set-aside Appellate Order dt. 15.12.2012 (annexure - 9) passed by the Chief General Manager and Appellate Authority Respondent No. 2, upholding Order dt. 13.6.2012 (Annexure-7) passed by the General Manager & Appointing Authority Respondent No.3, imposing penalty of "Reduction to a grade of MMGS*

II (from MMGS - III) and fixing the salary at the minimum of scale i.e. Rs. 19,400.00 till his retirement with further direction that he will not earn increment to pay during the period and on the expiry of such period, the reduction will have the effect of postponing of his future increments" in terms of Rule - 67 (g) and 67 (f) of State Bank of India Officers' Service Rules, 1992, and

II. To pass any other and further order (s) and / or direction (s) to which this Honourable Court may deem fit and proper in the interest of justice."

Facts Of The Case

3. The brief facts which are necessary for adjudication of the present writ petition are that the petitioner was appointed in the services of the Bank as a Clerk-cum-Cashier on 29.1.1976. He was promoted in Junior Management Grade (JMG) Scale-I w.e.f. 31.12.1981, Middle Management Grade (MMG) Scale-II w.e.f. 1.08.1988 and Middle Management Grade Scale-III w.e.f. 01.11.1993. He worked in the different Branches of the Bank and was transferred to the Bihar School Examination Board (BSEB) Branch at Patna, where he gave his joining on 06.06.2006. He remained there till 31.10.2009. It is the case of the petitioner that during his tenure at B.S.E.B. Branch, the deposits in the Branch became double and on

account of better performance during the tenure of the petitioner, the Branch was selected for the first time, amongst other four Branches of the Circle, for Business Process Re-engineering (BPR), which was an achievement for the Branch. The petitioner kept on performing his duties in the Branch to the satisfaction of the Superior Officer/Controlling Officer and always obeyed their directions, issued from time to time, either orally or in writing, since he did not even dared to disobey the directions, either oral or written, issued by the Higher Authorities. It is case of the petitioner that the Controlling Officer of the Bank, under whose jurisdiction and supervision the petitioner was working, never recorded any adverse remark against him and he successfully performed his duties for about three years. During his tenure, the Controlling Officer often visited the Branch and inspected the record etc., however, no complaint whatsoever was made against the functioning of the petitioner. After his transfer from the concerned Branch of the Bank at B.S.E.B., a charge-sheet was issued to the petitioner on 11.07.2011, wherein it was alleged that while he was posted as Branch Manager, B.S.E.B. Branch, Patna he acted in violation of the Rule 50 (4) of the State Bank of India Officers Service Rules 1992, for which disciplinary proceeding was directed to be initiated against him by the disciplinary authority. Altogether 11 charges were levelled against the petitioner and a charge memo was served upon him on 11.07.2011. The petitioner, submitted his reply to the statement of charges on 04.08.2011, before the General Manager-cum-disciplinary authority, wherein he denied the charges levelled against him and requested the disciplinary authority to exonerate him from the charges. Subsequent to filing of his reply, the disciplinary authority appointed the Enquiry Officer by his letter no. VIG/GEN/SS/180 dated 23.08.2011. The Enquiry Officer initiated the process of enquiry on 7.9.2011 and concluded the same on 13.1.2012. He submitted his enquiry report on 17.2.2012. It is further case of the petitioner that he submitted his reply to the enquiry report on 07.03.2012, wherein he again denied the charges levelled against him and requested the disciplinary authority to exonerate him from the charges, which were levelled against him and some of which were found to be proved against the petitioner. After submission of the reply by the petitioner, to the enquiry report, the appointing authority/disciplinary authority by his letter no. VIG/GEN/SS/51 dated 10.05.2012 issued show cause notice to the petitioner and directed him to file his reply that why the proposed punishment be not imposed against him. In compliance thereof, the petitioner appeared in person before the appointing authority on 18.05.2012 and submitted his reply, wherein he again denied the charges/allegations levelled against him. The General Manager-cum-Appointing Authority of the petitioner, after consideration of the reply submitted by him passed the impugned order of punishment contained in letter no. VIG/GEN/SS/97 dated 13.06.2012 wherein the penalty of reduction to the Grade of MMGS-II from MMGS-III and fixing the salary of the petitioner in the minimum scale i.e. Rs.19,400/- till the date of his retirement was imposed. It was further directed that the petitioner will not earn any increment during the period of punishment and after expiry of such period, the reduction will have the effect of postponing of future increments in terms of Rule 67 (g) and 67 (f) of the State Bank of India Officers Service Rules, 1992.

4. Being aggrieved with the order of punishment dated 13.06.2012, the petitioner preferred statutory appeal before the Chief General Manager-cum-Appellate Authority, State Bank of India on 16.07.2012, wherein he requested the appellate authority to hear the appeal and to pass appropriate order on merits. The appellate authority by his order dated

15.12.2012/24.12.2012, without appreciating the grounds taken by the petitioner in his memo of appeal, without appreciating the materials brought on record by the petitioner through his memo of appeal and without appreciating the evidences, in a mechanical manner proceeded to uphold the order of punishment dated 13.06.2012 passed by the disciplinary authority.

Submission On Behalf of The Petitioner

5. The learned counsel for the petitioner submits that the charges levelled against the petitioner were vague and were proved by the enquiry Officer on wrong consideration of the reply submitted by him. The Bank did not suffer any financial loss, as alleged by the respondent Bank. So far, the dues against the customers, which has been alleged against the petitioner for allowing overdrawing unauthorizedly are concerned, the same were negotiated and settled. Out of the total 11 charges, three charges i.e. charge no.3 & 10 were not found proved during course of enquiry, whereas charge no.2 was found to be partly proved. He submits that so far, the charge no.01 is concerned, the same was proved by the Enquiry Officer, although, in his defence the petitioner had stated that the limit, which was allegedly found altered, was not done by him on his own, but,

under the instructions of the Controlling Officer, the same was done. He further submits that no evidence was produced before the Enquiry Officer that the petitioner was responsible for altering the limit and so far, the question of concealing the fact is concerned, the same does not arise at all as everything is transparent in the CBS (Centralized Banking System). Besides above, reports were also used to be sent at regular monthly intervals, however, the Controlling Officer never reported any irregularity against the petitioner. Before proceeding to prove charge no.01, the Enquiry Officer was required to verify from the Controlling Officer, however, no such effort was made. Therefore, in absence of its verification from the Controlling Officer, the charges levelled against the petitioner cannot be said to be proved. He further submits that so far other charges are concerned, the respondent authorities erroneously held them to be proved, for the reasons assigned in the enquiry report. The petitioner throughout his service never acted against the Banking Rules and Guidelines. He acted under the supervision of the Superior Authorities/Controlling Officer, which proves that all the acts, which was done by the petitioner and for which he has been proceeded against, were done under the supervision of the Controlling Officer and therefore imposing penalty upon the petitioner, without getting the facts verified from the Controlling Officer, is not fit to be sustained.

6. The learned counsel for the petitioner further submits that from perusal of the entire charges, which were found to be proved against the petitioner, it would transpire that nowhere it has been alleged that the petitioner committed gross misconduct in extending undue benefits/facilities to the loanees, for his personal gain, therefore, the action of the petitioner was bonafide and in the interest of the bank, for which the petitioner was not required to be punished. He submits that the punishment imposed against the petitioner is disproportionate to the gravity of charges levelled and allegedly found proved against the petitioner. The charges levelled and found proved are not fit to be sustained in view of non-examination of the Controlling Officer, under whose directions the petitioner acted. Even the appellate authority was not justified in passing the impugned order dated 15.12.2012/24.12.2012, without appreciation of evidence and without taking note of the grounds taken by the petitioner in his memo of appeal. He next submits that the respondent Bank was not justified in imposing and that too multiple/grave/major penalty for one and same charges levelled against him, in violation of Rule 50 (4) of the SBI

Officers Service Rules, 1992. Even the materials/evidences on record were inadequate to justify the penalty imposed against the petitioner. He submits that once the main charge against the petitioner failed, as not proved, the ancillary or incidental charges thereto, ought not to have been taken as proved. He submits that non recording of any adverse remarks against the petitioner by the Controlling Officer, is indicative of the fact that the petitioner having clean past, acted for the benefit and interest of the Bank. The learned counsel for the petitioner finally submits that two punishments were imposed in one order and the punishment is also not prescribed in the Rule. The same are disproportionate to the gravity of charges levelled against him.

7. The learned counsel for the petitioner refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 2025 (3) SCC 601 **(General Manager Personnel, Syndicate Bank and Others Vs. B.S.N. Prasad),** wherein in paragraph nos.29 to 32, the Hon'ble Supreme Court of India has held as follows:-

> *"29. It is well-settled that the exercise of powers by the disciplinary authority is always subject to principles of proportionality and fair play. In the facts of*

the case, the financial loss caused to the appellant was reimbursed. The respondent, at every stage, fairly accepted his mistakes. The respondent, while replying to the notice and the letters addressed to him by the appellant, repeatedly pointed out that he had to deal with more than 4800 SKCC accounts during a short period of 60 days. Therefore, he worked under pressure all along. Moreover, he stated that he was in short receipt of crop insurance claims pertaining to 2500 farmers to the extent of Rs 50 lakhs. Therefore, the farmers and political leaders pressurised him.

30. The respondent was employed in the appellant Bank on 5-8-1985 and had an unblemished record for more than 21 years till 11-6-2007. We have perused the Syndicate Bank Officer Employees (Discipline and Appeal) Regulations, 1976 (for short "the Disciplinary Regulations"). Under Regulation 4, there is a provision for imposing minor penalties and major penalties. The respondent has already reached the age of superannuation. In our view, the penalty of dismissal was disproportionate to the misconduct established against the respondent and his unblemished career for a long time.

31. However, fact remains that the

misconduct alleged and proved against the respondent was of a serious nature considering the fact that a very high standard of conduct is expected from a Branch Manager of a bank. Considering the facts of the case, we are of the view that a minor penalty, as provided in Regulation 4(e) of the Disciplinary Regulations, would be appropriate. The penalty will be of reducing the respondent to a lower stage in the time scale of pay for a period of one year, without cumulative effect and not adversely affecting his pension.

32. The present appeal succeeds in part, and we pass the following orders:

32.1. The impugned judgments and orders are quashed and set aside, and the finding recorded in the disciplinary inquiry that the misconduct on the part of the respondent was established is restored;

32.2. However, the order of penalty is modified, and it is directed that the respondent shall be subjected to a minor penalty under Regulation 4(e) of the Disciplinary Regulations by reducing him to a lower stage in the time scale of pay for a period of one year, without cumulative effect and not adversely affecting his pension; and

32.3. Necessary retiral dues, if any, be restored/paid to the respondent within four *months from today."*

Submission On Behalf Of The Respondent Bank

8. Per contra, the learned counsel appearing on behalf of the respondent State Bank of India submits that the charges levelled against the petitioner were found to be proved and during course of enquiry, it came to the notice that the petitioner unauthorizedly enhanced the cash credit limit of one M/S Shree computer from Rs.15 lakhs to Rs.30 lakhs on 31.03.2008. The same was done to conceal the overdrawing's in the account, as the outstanding had reached Rs.29.16 lakhs on 31.03.2008. Subsequently, the same was again reduced to Rs.15 lakhs on 02.05.2008 by the petitioner, which shows his intention of fraudulent manipulation to conceal overdrawing's, permitted in the account. The said enhancement was done without any approval from any of the authorities. He further submits that the petitioner was granted ample opportunity by the Enquiry Officer to defend himself during course of enquiry and the principles of natural justice was also followed, since the petitioner was granted opportunity at each and every stage. He submits that the petitioner disbursed amounts substantially beyond the sanctioned overdrafts limits. He allowed clean overdrafts without any sanctioned limits and failed to report serious irregularities to his Controlling Officer/authority and further

exceeded his discretionary financial powers. He exposed the bank to a financial loss of approximately Rs.49.74 lakhs, which were found to be gross misconduct and in violation of Rules 50 (4) of the SBI Officers Service Rules, 1992.

9. The learned counsel for the Bank submits that after submission of the enquiry report by the Enquiry Officer, the disciplinary authority independently examined the charge-sheet, the documentary evidence, the enquiry report submitted by the Enquiry Officer, the written representation filed by the petitioner and after giving personal hearing to the petitioner, proceeded to award the punishment. He submits that the Enquiry Officer found charge nos.01, 04, 05, 06, 07, 08 and 11 to be proved. So far, the charge nos.02 and 09 are concerned, the same were partly proved and charge nos.03 and 10 were found to be not proved. He submits that the fact that two charges were not proved against the petitioner, demonstrate the fairness, objectivity and independent application of mind, by the Enquiry Officer, during course of enquiry. He submits that so far the grounds taken by the petitioner are concerned, to the effect that there was no ultimate financial loss, he acted on the oral directions/instructions of the Controlling Officer and the business of the Branch increased during his tenure, deserves to

be rejected, since no documentary evidence of authorization by the Controlling Officer was ever produced by the petitioner. The unauthorized enhancement of limits and permitting overdrawing constitutes misconduct, irrespective of the subsequent recovery. The growth in Branch business cannot justify violation of Banking discipline or Statutory Service Rules. A Bank Officer is required to strictly adhere to the delegated financial powers and therefore, the penalty imposed by the disciplinary authority, approved by the appellate authority, are totally justified. He finally submits that the penalties have been imposed against the petitioner in terms of Rules 67 (f) and (g) of the SBI Officers Service Rules, 1992 and the same are proportionate to the gravity of misconduct and based upon the proved charges. The appellate authority, after the order of the disciplinary authority, by applying his independent consideration affirmed the order of punishment. He submits that in the present case, no ground exits for interference by this Hon'ble Court on the quantum of punishment, since the scope of judicial review against the punishment imposed is limited.

10. The learned counsel for the respondent-Bank refers to and relies upon a recent judgment of the Hon'ble Supreme Court of India reported in 2025 INSC 1010 **State**

Bank of India and others Vs. Ramadhar Sao), wherein the Hon'ble Supreme Court of India in paragraph nos.13 and 13.1 has held as follows:-

> *"13. The legal position with regard to interference in inquiries or the orders passed by the Disciplinary Authority in exercise of powers of judicial review is well-settled. This court in **SBI's** case (supra) observed as under:*
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> *"**22**. The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional courts under Article 226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice and it is not akin to adjudication of the case on merits as an appellate authority which has been earlier examined by this Court…"*
>
> *13.1 Law on the issue, that disciplinary authority is not required to record reason in detail if report of inquiry officer, is accepted. Reference can be made to judgment of this Court in **Boloram Bordoloi's** case (supra). Relevant para thereof is extracted below:*
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> *11. ... it is well settled that if the disciplinary authority accepts the findings recorded by the enquiry officer and passes an order, no detailed reasons are required to be recorded in the order imposing punishment. The punishment is imposed based on the findings recorded in the enquiry report, as such, no*

further elaborate reasons are required to be given by the disciplinary authority. As the departmental appeal was considered by the Board of Directors in the meeting held on 10-12-2005, the Board's decision is communicated vide order dated 21-12-2005 in Ref. No. LGB/I&V/Appeal/31/02/2005-06. In that view of the matter, we do not find any merit in the submission of the learned counsel for the appellant that the orders impugned are devoid of reasons."

CONSIDERATION

11. Having heard the learned counsel for the petitioner and the learned counsel for the Bank, as well as after going through the records, it appears that the petitioner was appointed in the services of Bank as a Clerk-cum-Cashier on 29.01.1976. After being given different promotions, at the relevant time he was working as the Branch Manager, Bihar School Examination Board (B.S.E.B.) Branch at Patna since 06.06.2006 and he remained there till 31.10.2009. After he was transferred from the bank, a charge-sheet was issued to the petitioner on 11.07.2011, wherein it was alleged that while he was posted as the Branch Manager, B.S.E.B. Branch, Patna. He acted in violation of the Rules of the State Bank of India Officers Service Rules 1992 and for which a disciplinary proceeding was directed to be initiated against him. Altogether 11 charges were levelled against him and a charge memo was served on 11.07.2011. The petitioner submitted his reply to the

memo of charge on 04.08.2011, before the disciplinary authority, wherein he denied the charges, which were levelled against him and requested the disciplinary authority to exonerate him from the charges. Pursuant to his reply, the Enquiry Officer was appointed on 23.08.2011. The disciplinary proceeding against the petitioner was initiated on 07.09.2011 and concluded on 13.01.2012. The Enquiry Officer, after due enquiry, submitted his report on 17.02.2012, wherein he found majority of the charges to be prove/partially proved, except 2 charges, which were found to be not proved. The petitioner submitted his reply to the enquiry report on 07.03.2012, wherein he denied the charges levelled against him and again requested the disciplinary authority to exonerate him from the charges, which were levelled against him and were found to be proved by the Enquiry Officer. After submission of his reply, the disciplinary authority vide his letter dated 10.05.2012 issued second show cause notice to the petitioner and directed him to file his reply, that why the proposed punishment be not imposed against him. The petitioner appeared in person before the disciplinary authority on 18.05.2012 and submitted his reply, wherein he again denied the charges/allegations levelled against him. The disciplinary authority, after consideration of the reply submitted by him, passed the order of punishment on 13.06.2012 wherein the penalty of reduction of grade to MMGS-II from MMGS-III and fixing the salary of the petitioner in the minimum scale i.e. Rs.19,400/- till the date of his retirement, was imposed. It was further ordered that the petitioner will not earn any increment during the period of reduction and upon expiry of such period, the reduction will have the effect of postponing of future increments of pay in terms of Rules of the State Bank of India Officers Service Rules 1992.

12. Being aggrieved with the order of punishment dated 13.06.2012, the petitioner preferred statutory appeal before the appellate authority on 16.07.2012. The appellate authority vide his order dated 15.12.2012/24.12.2012, proceeded to uphold the order of punishment dated 13.06.2012, passed by the disciplinary authority. It further appears that the charges, which were levelled against the petitioner were for his failure to discharge his duties with devotion, diligence, honesty and integrity. It was alleged that the petitioner acted beyond his jurisdiction, to enhance the overdraft/cash credit limit of M/S Shree Computer Limited, M/S Laptops and M/S Micro computer Services. On account of the act of the petitioner, the Bank suffered loss and the same was done without any approval

from any of the authorities of the bank. He disbursed the amount, beyond the sanctioned overdraft limits and failed to report serious irregularities to his controlling authority and exceeded his discretionary financial powers. On account of the said act of the petitioner, the Bank was exposed to a financial loss to tune of approximately Rs.49.74 lakhs. It further appears that the during course of enquiry, the petitioner was given ample opportunity by the Enquiry Officer to duly participate in the proceeding and the petitioner was also given an opportunity of personal hearing, before award of punishment against him. Out of the 11 charges, which were levelled against the petitioner, the Enquiry Officer found charge nos.3 and 10 to be not proved and charge nos.02 and 09 to be partly proved. He found the charge nos.01, 04, 05, 06, 07, 08 and 11 to be proved. The defence taken by the petitioner with regard to the fact that the bank did not suffer any loss, was also negated by the Enquiry Officer and it was found that he exceeded his jurisdiction and no documentary evidence was produced by the petitioner of any authorization by the Controlling Officer. As per the rules of the Bank, the unauthorized enhancement of limits and permitting overdrawing, constitutes misconduct, irrespective of subsequent recovery. In the bank service the utmost requirement is of discipline and higher standards of honesty and integrity, since a bank employee/officer deals with the money of the depositors and the customers. Every Officer/Employee of the bank is required to take all possible steps to protect the interest of the bank and to discharge his duty with utmost integrity, honesty, devotion, diligence and do nothing, which is unbecoming of a Bank Officer. Good conduct and discipline are inseparable from the functioning of every Officers/Employees of the bank. Due to the act of the petitioner, the bank was exposed to loss which constitute/ amounts to misconduct in terms of the Rules of the Bank. In the present case, during course of enquiry, the Enquiry Officer proved the charges levelled against the petitioner on the basis of the documents, that the petitioner exposed the bank to loss to the tune of Rs.49.74 lakhs and the misconduct was found proved.

13. So far, the judgment relied upon by the learned counsel for the petitioner in the case of **General Manager Personnel, Syndicate Bank and Ors. (supra)** is concerned, this Court finds that in the said case the punishment was of dismissal from service and the respondent employee at every stage, fairly accepted his mistake. The financial loss caused to the appellant was reimbursed and based on the same, the

Hon'ble Supreme Court of India found the punishment of dismissal from service to be disproportionate to the misconduct established against the respondent employee and further considering his unblemished career for a long time, modified the punishment and directed that the respondent shall be subjected to the minor penalty under Regulation 4 (e) of the disciplinary regulations of the bank, by reverting to a lower stage in the time scale of pay for a period of one year, without cumulative effect and not adversely affecting his pension.

14. In the present case, the Bank was exposed to loss to the tune of Rs 49.74 lakhs, however, the same was recovered and therefore misconduct was found proved against the petitioner. In the present case, the petitioner was not dismissed from service, rather his pay scale has been reduced to the grade of MMGS-II from MMGS-III, apart from other punishments. Therefore, the case relied upon by the learned counsel for the petitioner is not applicable in the present case.

15. So far, the judgment relied upon by the learned counsel for the Bank in the case of **State Bank of India and Ors. (supra)** is concerned, this Court finds that the Hon'ble Supreme Court of India in the said case, considering the earlier judgment of the Hon'ble Supreme Court in **Boloram Bordoloi's**

case, went on to hold that it is well settled that if the disciplinary authority accepts the finding recorded by the Enquiry Officer and passes an order, no detail reasons are required to be recorded in the order imposing punishment. In the present case, the Enquiry Officer found the charges to be proved against the petitioner and the disciplinary authority, while considering the reply submitted by the petitioner, by a detailed order, after considering the allegations, the defense taken by the petitioner and the Enquiry report, proceeded to award the punishment against the petitioner. This Court finds that the disciplinary authority duly considered the enquiry report and the reply submitted by the petitioner and thereafter the order of punishment was passed. If the disciplinary authority accepts the finding recorded by Enquiry Officer, no detailed reasons are required to be recorded in the order imposing punishment, however, in the present case, the detail reasons have been given. Further, keeping in mind that a Bank Officer is required to exercise higher standard of honesty and integrity, the punishment imposed against the petitioner is not disproportionate.

16. This court would rely on a Judgment of the Hon’ble Supreme Court of India in a case reported in 2005 (7)

SCC 435 **(State Bank of India & Anr Vs. Bela Bagchi & Ors.)** wherein in paragraph no.15 it has been held as under:

> *"15. A bank officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the bank is required to take all possible steps to protect the interests of the bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a bank officer. Good conduct and discipline are inseparable from the functioning of every officer/employee of the bank. As was observed by this Court in Disciplinary Authority-cum-Regional Manager v. Nikunja Bihari Patnaik [(1996) 9 SCC 69 : 1996 SCC (L&S) 1194] , it is no defence available to say that there was no loss or profit which resulted in the case, when the officer/employee acted without authority. The very discipline of an organisation more particularly a bank is dependent upon each of its officers and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and is a misconduct. The charges against the employee were not casual in nature and were serious. That*

being so, the plea about absence of loss is also sans substance.”

17. It further appears that to this Court that it is not in dispute that the High Court/Tribunal, while exercising powers of judicial review, cannot normally substitute their own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority is not in terms of the penalty prescribed or such penalty that shocks the conscience of the High Court/Tribunal, the concerned Court is well within its jurisdiction to appropriately mold the relief, by either directing the disciplinary/appellate authority to reconsider penalty imposed or it may, in exceptional circumstances, impose appropriate penalty, by giving reasons in support thereof. Once this Court has come to conclusion that the order of punishment is based upon the enquiry report, which clearly reflect the guilt of the petitioner and further came to the conclusion that the bank was exposed to financial loss, which amount to eroding public trust and confidence, the order of punishment imposed against the petitioner does not requires any reconsideration. So far, the contention of the learned counsel for the petitioner, that no loss has been caused to the bank is concerned, the same is fit to be rejected on the ground that during course of enquiry, it was

found that the bank was exposed to loss to the tune of Rs.49.74 lakh and therefore it cannot be said that, no loss was caused to the bank.

18. Accordingly, this Court after considering the entire aspect, does not find any error in the impugned order of punishment dated 13.06.2012 passed by the General Manager and the Appointing Authority and the appellate order dated 15.12.2012 passed by the Chief General Manager and the Appellate Authority.

19. In view of the consideration made above, this Court does not find any merit in the writ petition and the same is dismissed accordingly.

20. Pending applications, if any, shall also stand disposed of.

(Ritesh Kumar, J)

krishnakant/-

AFR/NAFR	
CAV DATE	28.07.2026
Uploading Date	18.09.2026
Transmission Date	NA