

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ASHISH SHROTI

WRIT PETITION No. 28612 of 2022

SANJAY BANSAL

Versus

MADHYA PRADESH GRAMIN BANK THR. AND OTHERS

Appearance:

Mr. Chetan Kanungo - Advocate for the petitioner.

Mr. D. S. Chauhan – Advocate for respondents no.1 & 2.

ORDER

Reserved on : 22.04.2026

Delivered on : 04.05.2026

ORDER

The petitioner has invoked Article 226 of the Constitution of India, challenging the order dated 30.11.2016 (Annexure P/11), whereby the punishment of compulsory retirement has been inflicted upon him on account of misconduct found proved in the departmental inquiry. The petitioner also challenges the order dated 13.09.2022, whereby his appeal against the punishment order was dismissed. The petitioner further prays for a direction to the respondents to reinstate him in service with all consequential benefits.

2. The facts necessary for decision of this case are that the petitioner, at the relevant time, was holding the post of Scale-II Officer in the respondent bank and was posted as Branch Manager at Morar Branch, Gwalior. Certain irregularities in the matter of sanctioning and disbursement of loans were noticed in the preliminary investigation conducted by a team of three officers of the bank. Based upon the report, a charge-sheet was issued to the petitioner on 27.05.2015, wherein as many as 14 charges were levelled against him.

3. In order to conduct the departmental inquiry, one Mr. S.L. Khandelwal, Scale-

III Officer, was appointed as the Inquiry Officer and Mr. Deepak Joshi, Scale-I Officer, was appointed as the Presenting Officer. The inquiry was conducted, and after inviting written briefs from the Presenting Officer and the petitioner, the Inquiry Officer submitted his report to the Disciplinary Authority.

4. The Disciplinary Authority, in turn, forwarded the inquiry report to the petitioner vide letter dated 15.09.2016 and asked him to submit his explanation to the findings recorded by the Inquiry Officer. The petitioner submitted his explanation on 28.09.2016, and thereafter the impugned punishment order came to be passed on 13.11.2016. The Disciplinary Authority awarded separate punishments for each charge and, cumulatively, imposed the punishment of compulsory retirement from service on the petitioner.

5. Being aggrieved, the petitioner filed a departmental appeal challenging the punishment order. The appeal was dismissed vide order dated 20.02.2017. The petitioner approached this Court by filing W.P. No.3215 of 2017. Vide order dated 29.07.2022, this Court found that the order passed by the Appellate Authority was cryptic and non-speaking. Accordingly, setting aside the order, the matter was remitted to the Appellate Authority for reconsideration and passing of a speaking order. The impugned order dated 13.09.2022 was thereafter passed by the Appellate Authority affirming the punishment order passed by the Disciplinary Authority. The order of punishment passed by Disciplinary Authority and the appellate order are under challenge in this petition.

Submissions of petitioner's counsel:

6. The learned counsel for the petitioner challenges the punishment orders on the ground of *mala fides* on the part of one Mr. K.U. Parate, a Scale IV Officer of the Bank, who was then working as Regional Manager at the Regional Office, Gwalior. The counsel argued that on 11.07.2014, Mr. Parate called the petitioner to his residence and asked for illegal demand/gratification. However, when the petitioner did not accept such demand, Mr. Parate abused the petitioner and threatened him, stating that if he does not obey his instructions, he would implicate him in a departmental inquiry. As per his submission, Mr. Parate was later transferred and

posted at the Head Office as Audit In-charge.

7. The learned counsel further submitted that Mr. Parate conducted an unscheduled inspection/audit of Morar Branch in December' 2014 along with one Mr. Neeraj Saxena and Mr. K.K. Shrivastava. As per his submission, this inspection/audit was conducted with a predetermined mindset to implicate the petitioner. He further submitted that this was not a routine audit/inspection but an unscheduled inspection designed to frame the petitioner in disciplinary proceedings. It is further submitted that, based upon the report submitted by Mr. Parate, the disciplinary proceedings were initiated against the petitioner.

8. The learned counsel further argued that the documents asked for by the petitioner were not supplied to him, as a result of which the petitioner could not submit his reply to the charge-sheet.

9. The learned counsel for the petitioner placed much stress on the reply submitted by the bank in the earlier writ petition which is filed in this case as Annexure P/15. Referring to paragraph 11 of the reply, he submitted that after completion of the inquiry, when the Inquiry Officer submitted his report, the same was not found to be satisfactory by the authority and, therefore, the Inquiry Officer was directed to conduct a *de-novo* inquiry and submit a fresh report. It is his submission that this report was never supplied to the petitioner, nor the same has been brought on record of this case. It is further submitted by him that a fresh report was submitted by the Inquiry Officer without conducting any further inquiry. He submitted that based upon the same set of evidence, a subsequent report was submitted wherein all the charges, except charge no.2, 10, 11 & 14, were held proved against the petitioner. As per his submission, this was impermissible in law and it only exhibits the predetermined motive of management of the Bank to somehow establish charges against the petitioner.

10. The learned counsel submitted that the Inquiry Officer, in a departmental enquiry, acts in quasi-judicial manner and is expected to be absolutely impartial and independent adjudicator. However, in the case in hand, the Inquiry Officer acted under the dictates of higher authority which vitiated the entire action taken against

the petitioner. In support of his submission, he relied upon Apex Court judgment in the case of *State of Uttar Pradesh & others Vs. Saroj Kumar Sinha*, reported in (2010)2 SCC 772. He also relied upon *Sirpur Paper Mills Ltd. Vs. Commissioner of Wealth Tax Hyderabad*, reported in (1970)1 SCC 795 to say that the Inquiry Officer surrendered his authority to the higher authorities which vitiated his action. He also relied upon *State of Uttar Pradesh Vs. Ram Prakash Singh*, reported in 2025 SCC OnLine SC 891, to submit that the earlier enquiry report is not supplied to the petitioner which has caused serious prejudice to the petitioner.

11. The learned counsel thus prayed for setting aside of punishment orders and for grant of consequential relief to the petitioner.

Submissions of respondents' counsel:

12. Refuting the submissions made by the counsel for the petitioner, the learned counsel appearing for the respondents has a different story to explain. As per his submission the petitioner was habitual of violating the instructions of the higher authorities while sanctioning and disbursing loans. He submitted that information regarding reckless financing of loans, ignoring the guidelines & instructions of the bank, was received against the petitioner. The petitioner was restrained from disbursing loans any further vide letter dated 16.06.2014 (Annexure P/14). This was done by Mr. Parate in his authority as Regional Officer of the Bank at Gwalior. The counsel submitted that, being aggrieved by restriction put on his authority, the petitioner himself visited the residence of Mr. Parate on 11.07.2014 and misbehaved with him. Mr. Parate reported the matter to Head Office. When an explanation was sought from him, the petitioner admitted his guilt and offered an apology.

13. The counsel further submitted that with regard to reckless financing also, explanation was sought from the petitioner. The Regional Manager, Regional Office, Gwalior, recommended disciplinary action against the petitioner. Taking note of such recommendation, the Head Office directed for a preliminary investigation/inspection of the branch. The inspection was conducted by Mr. Parate along with Mr. Neeraj Saxena and Mr. K.K. Shrivastava. In the report, serious lapses in the matter of sanctioning and disbursement of loans were reported, and based upon the report, the

charge-sheet was issued to the petitioner.

14. The learned counsel specifically denied the personal allegations made by the petitioner against Mr. Parate. He also submitted that since Mr. Parate is not impleaded in the writ petition, the allegations levelled against him cannot be entertained. Regarding the departmental inquiry, the learned counsel submitted that the inquiry was conducted strictly as per law and due opportunity of defence was afforded to the petitioner.

15. Referring to the inquiry report, the learned counsel submitted that cogent findings have been recorded against the petitioner based upon appreciation of evidence collected during the course of inquiry, which does not warrant any interference in exercise of powers of judicial review by this Court. He referred to the findings recorded in relation to charges, in particular charge no.13, and argued that the high value transactions were found in petitioner's personal account which did not match with his known source of income. The petitioner failed to satisfactorily explain these transactions. As per his submissions, this charge itself is sufficient to justify the impugned punishment. The learned counsel thus submitted that the impugned action taken against the petitioner is just and proper and does not warrant any interference by this Court in exercise of powers under Article 226 of the Constitution of India.

16. No other point is raised.

17. Heard learned counsel for the parties and considered the arguments advanced by them.

Analysis of facts and law:

Regarding non-supply of documents:

18. The petitioner's counsel argued that the petitioner demanded certain documents vide application 24.06.2015 for purposes of filing reply to charge sheet. However, the said documents were not supplied to him which caused prejudice to the petitioner. It is not the contention of learned counsel that the relevant documents were not supplied to him during the course of enquiry. The demand was replied by the Bank vide letter dated 08.07.2015. As per this reply, most of the documents demanded were supplied alongwith charge sheet. Some were not found relevant. The

petitioner was thus advised to submit reply to charge sheet. Further correspondence was made between petitioner and the Bank which are collectively filed as Annexure P/4.

19. The law with regard to non-supply of documents in departmental enquiry, is well settled. This can vitiate enquiry only when the delinquent establishes the relevancy of non-supplied documents and the resultant prejudice cause to him. The Apex Court judgment in the case of *Union of India vs. Alok Kumar* reported in (2010)5 SCC 349, is pertinent on this issue wherein the Court held as under:

“83. Earlier, in some of the cases, this Court had taken the view that breach of principles of natural justice was in itself a prejudice and no other “de facto” prejudice needs to be proved. In regard to statutory rules, the prominent view was that the violation of mandatory statutory rules would tantamount to prejudice but where the rule is merely directory the element of de facto prejudice needs to be pleaded and shown. With the development of law, rigidity in these rules is somewhat relaxed. The instance of de facto prejudice has been accepted as an essential feature where there is violation of the non-mandatory rules or violation of natural justice as it is understood in its common parlance. Taking an instance, in a departmental enquiry where the department relies upon a large number of documents majority of which are furnished and an opportunity is granted to the delinquent officer to defend himself except that some copies of formal documents had not been furnished to the delinquent. In that event the onus is upon the employee to show that non-furnishing of these formal documents have resulted in de facto prejudice and he has been put to a disadvantage as a result thereof.”

20. Except stating that the documents were not supplied to him, the petitioner has failed to establish by making specific pleading that on account of non-supply of certain documents, the relevance of which is also not established, he suffered prejudice. Therefore, the objection regarding non-supply of documents is not acceptable and the same stands rejected.

Regarding malafides alleged against Mr. Parate:

21. The petitioner’s case is primarily based upon the allegations of mala fide against Mr. Parate. As per his submission, the entire action has been taken against him based upon the biased attitude of Mr. Parate, as the petitioner failed to accede to his illegal demands. However, though the allegations have been made against Mr. Parate, he has not been impleaded as a respondent in the present petition. Therefore, in absence of Mr. Parate, there is no rebuttal to these personal allegations made

against him. It is settled in law that when personal allegations are made against any authority, he is required to be impleaded in his personal capacity as a party so that he has an opportunity to rebut such allegations. In absence of such party, the allegations of personal bias cannot be entertained as has been held in *Dr. J.N. Banaalikaar Vs. Municipal Corporation of Delhi and another*, 1995 Supp.(4) SCC 89, *State of Bihar & another Vs. P.P. Sharma, IAS & another*, reported in 1992 Supp.(1) SCC 222, *I.K. Mishra Vs. Union of India & others*, reported in (1997)6 SCC 228, *All India State Bank Officers' Federation & others Vs. Union of India & others*, reported in (1997)9 SCC 151 and *Nirmal Jeet Singh Hoon Vs. Irtiza Hussain & others*, reported in (2010)14 SCC 564. Thus, in absence of Mr. Parate being made a party, the personal allegations levelled against him are not entertainable.

22. The learned counsel for the petitioner argued that the allegations made by the petitioner are in fact *malice-in-law*, for which the authority is not required to be personally impleaded. However, the allegations made in the writ petition, as well as during arguments, clearly indicate that the allegations are purely personal in nature and constitute *malice-in-fact*.

23. When examined on facts, it is seen that certain restrictions were put on the petitioner's authority to sanction/disburse loan vide letter, dated 16.06.2014. Thereafter, the incident took place at the residence of Mr. Parate in July' 2014. Though the petitioner alleges that Mr. Parate called him at his residence, however, the story put forth by respondents' counsel appears to be acceptable that because of restrictions the petitioner himself visited the residence of Mr. Parate. Be that as it may, this fact remains disputed and cannot be resolved in absence of Mr. Parate. It is, therefore, to be held that the action taken by Mr. Parate was in his official authority and was not biased.

Regarding validity of enquiry:

24. The petitioner's counsel laid much stress on the manner in which the inquiry was conducted. He vehemently argued that once the Inquiry Officer had submitted his report, there was no occasion for the Disciplinary Authority to ask for a fresh report. He further submitted that the Inquiry Officer has submitted a fresh report

based upon the same set of evidence, as no fresh inquiry was conducted by him.

25. The learned counsel, referred to the judgment of the Apex Court in the case of **Saroj Kumar Sinha** (supra) and submitted that the role of an Inquiry Officer is that of a quasi-judicial authority and he is supposed to be an independent and impartial adjudicator. However, in the present case, the Inquiry Officer acted on the dictates of the higher authority and submitted his subsequent report based upon the same set of evidence. Thus, on this count alone, the inquiry stands vitiated.

26. The Apex Court in the case of **Saroj Kumar Sinha** (supra), dealt with the role of an enquiry officer in cases of departmental enquiry and held as under:

“28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/disciplinary authority/Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether the un rebutted evidence is sufficient to hold that the charges are proved. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.

29. Apart from the above, by virtue of Article 311(2) of the Constitution of India the departmental enquiry had to be conducted in accordance with the rules of natural justice. It is a basic requirement of the rules of natural justice that an employee be given a reasonable opportunity of being heard in any proceedings which may culminate in punishment being imposed on the employee.

30. When a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The inquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service.”

27. Keeping into account aforesaid legal position, the facts of this case needs to be examined. The stand taken by the respondents, by filing a reply in the earlier writ petition, in para 11 (Annexure P/15), was as under:

“11. That since the petitioner did not and his reply to the charge sheet within the stipulated time, disciplinary authority took a decision initiating a regular disciplinary enquiry against the petitioner and accordingly the Enquiry Officer as well as the management representative on behalf of the Bank were appointed vide letter dt. 17.8.2015. The enquiry against the petitioner was

conducted affording him opportunity to defend his case and compliance of principles of natural justice was ensured. After completion of the inquiry the inquiry officer submitted his report, which was not found to be rationale. And therefore the Enquiry Officer was directed to conduct *denovo* enquiry and submit the report afresh within 30 days.”

28. A similar averment has been made by the respondents in the reply filed in the present petition in para 9. This indicates that the Inquiry Officer had initially submitted his report; however, a fresh report was subsequently submitted by him on the directions issued by the higher authority. As per reply, it was only because the enquiry was not found rationale.

29. The petitioner has taken a specific ground in this regard in Ground ‘H’ of the writ petition. However, the respondents have failed to explain this procedure adopted by them by making any specific averment in their reply.

30. The role of an Inquiry Officer in a disciplinary inquiry is very important. He is expected to act as an impartial and independent adjudicator and is not supposed to act upon the dictates of higher authorities. When a report is submitted by the Inquiry Officer, the Disciplinary Authority has three options- (i) he may accept the inquiry report and pass appropriate orders; (ii) he may disagree with the findings of the Inquiry Officer by giving his own reasons for disagreement and proceed further in the enquiry; and (iii) if he is satisfied that the inquiry has not been conducted properly, he may remit the matter for a fresh or *de-novo* inquiry. The direction for *de-novo* enquiry, however, can be given only for cogent reasons to be recorded by Disciplinary Authority. However, directing the Inquiry Officer to submit a fresh report on the basis of the same set of evidence is impermissible and unacceptable in law.

31. The reply filed by respondents in this case is completely silent on this aspect. No reason has been assigned as to in what circumstances the matter was remitted to Inquiry Officer; whether anything more was done in furtherance of enquiry or the fresh report was submitted based upon same set of evidence collected earlier?

32. In view of discussion made above, it becomes evident that the manner in which the enquiry is conducted against the petitioner cannot be said to be fair. In

absence of any justification for calling for fresh enquiry report, this Court finds that the report submitted by enquiry officer (Annexure P/9) cannot be accepted.

On merits of charges:

33. The scope of interference by this Court in disciplinary matters is well defined by Apex Court in the case of ***Union of India Vs. P. Gunasekaran***, reported in ***(2015)2 SCC 610***. The Apex Court in para 13 as to what should not be done in such matters. Para 13 reads as under:

“13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappraise the evidence;
- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;
- (iii) go into the adequacy of the evidence;
- (iv) go into the reliability of the evidence;
- (v) interfere, if there be some legal evidence on which findings can be based.
- (vi) correct the error of fact however grave it may appear to be;
- (vii) go into the proportionality of punishment unless it shocks its conscience.

34. In view of the aforesaid pronouncement of law, this Court would not interfere with the factual findings recorded by enquiry officer based upon appreciation of evidence collected during enquiry.

Relief to be granted to the petitioner:

35. The learned counsel for respondents vehemently argued that the finding recorded in relation to charge no.13 itself is sufficient to justify the punishment imposed on petitioner. As per his submission, charge no.13 was infact required to be justified by petitioner himself and enquiry officer or for that matter presenting officer were not required to establish this charge.

36. To this, learned petitioner’s counsel submitted that, in view of the fact that the report submitted by enquiry officer itself has vitiated, the charge no.13 also cannot be

said held proved. He also submitted that the petitioner gave adequate justification for this charge also.

37. The charge no.13 leveled against petitioner was as under:

"आपके द्वारा शाखा मुरार में पदस्थी के दौरान स्वयं के बचत खाता कनाक 2003091030000087 में दिनांक 08.06.2011 से दिनांक 13.05.2015 तक 31 विभिन्न दिनांकों में राशि रुपये 2743142/- एवं आपके ओडी खाता कमांक 2003091430000124 में दिनांक 08.02.2012 से दिनांक 13.05.2015 तक 34 विभिन्न दिनांकों में राशि रुपये 2744954/कुल 65 अवसरों पर (विभिन्न दिनांकों में) कुल राशि रुपये 5488096 / (शब्दों में चौवन लाख अठासी हजार छियानबे मात्र) नगद अथवा अंतरण के माध्यम से जमा हुई है। उक्त राशियों में से कई अवसरों पर असामान्य/ संदिग्ध रूप से बड़ी राशियों का जमा होना पाया गया है जो आपके ज्ञात आय के स्रोतों एवं वेतन राशि के अनुपात में बहुत अधिक है। इस प्रकार आपके द्वारा स्वयं के बचत खाता एवं ओडी खाता में जमा हुई बड़ी बड़ी राशियों संदेहास्पद है।

आपके द्वारा किया गया उक्त कृत्य सेन्टल मध्यप्रदेश ग्रामीण बैंक सेवा (संशोधन) विनियमावली 2013 की धारा 18 एवं 20 के तहत गंभीर कदाचार एवं वित्तीय अनुशासन हीनता है जो धारा 39 के तहत दण्डनीय है।"

38. Apparently, this charge was required to be un-proved by petitioner himself by justifying the transactions in his accounts. The justification given by petitioner to this charge (extracted from enquiry report) is as under:

"अरोपी का पक्ष

मुझे इन चार वर्षों के दौरान लगभग 30 लाख रु. वेतन के रूप में प्राप्त हुआ है तथा मैं आर्थिक एवं घरेलू रूप से भी सक्षम हूँ। मेरे भाई तथा भाभी शहर के अच्छे डॉक्टर हैं तथा बंसल हॉस्पिटल के नाम से शहर में बड़ा मल्टी स्पेशलिटी हॉस्पिटल चलाते हैं तथा मेरे पिता भारतीय स्टेट बैंक में कार्यरत थे। मेरे परिवार में मेरी पत्नी, मेरी पुत्री, भाई, भाभी, माता तथा पिता सभी आयकर भरते हैं। ऐसे परिवार के सदस्य होने के नाते जरूरत पड़ने पर बैंक द्वारा स्वीकृत खाता लिमिट 4 लाख में से पारिवारिक तथा रिश्तेदारी की आवश्यकता हेतु पैसे निकाले व जमा किये जाते रहे हैं।

महोदय प्रबंध तंत्र प्रतिनिधि द्वारा विभागीय जाँच के पृष्ठ कमांक 110 में बचत खाते में जो जमा राशियों संदेहास्पद तथा असामान्य बताई है उनका न तो कोई कारण बताया है और न ही कोई संदेहास्पद दस्तावेज प्रस्तुत किया है, हालांकि इंगित प्रविष्टियों तीन वर्ष से अधिक पुरानी है फिर भी इन प्रविष्टियों का विवरण अपनी याद के आधार पर निम्नानुसार है-

09/02/12	1,00,000	खाता कमांक 143/124 से अंतरित
13.02.2012	79,000	ग्राहको के जीवन बीमा करने हेतु जमा
16.02.2012	50,000	ग्राहकों के जीवन बीमा करने हेतु जमा
22.02.2012	1,20,000	खाता कमांक 143/124 से अंतरित
02.03.2012	1,50,000	दिनांक 22.2.2012 को निकाली गई राशि

06.07.2012	2,00,000	इस दिनांक को ऐसी कोई प्रविष्टि नहीं है
12.08.2012	40,000	इस दिनांक को ऐसी कोई प्रविष्टि नहीं है
01.02.2013	1,75,000	खाता क्रमांक 143/124 से अंतरित
02.05.2013	50,000	खाता क्रमांक 143/124 से अंतरित
31.12.2013	4,58,000	खाता क्रमांक 143/124 से अंतरित

महोदय प्रबंध तंत्र प्रतिनिधि द्वारा विभागीय जाँच के पृष्ठ क्रमांक 110 में ओ. डी. खाते में जो जमा राशियों संदेहास्पद तथा असमान्य बताई है उनका न तो कोई कारण बताया है और न ही कोई संदेहास्पद दस्तावेज प्रस्तुत किया है, हालांकि इंगित प्रविष्टियों तीन वर्ष से अधिक पुरानी है फिर भी इन प्रविष्टियों का विवरण अपनी याद के आधार पर निम्नानुसार है:-

01.03.2012	80,000	बचत खाते से अंतरण
07.03.2012	1,50,000	बचत खाते से अंतरण
07/03/12	30000	बचत खाते से अंतरण
26.03.2012	45000	बचत खाते से अंतरण
07.06.2012	70,000	इस दिनांक को ऐसी कोई प्रविष्टि नहीं है
26.06.2012	1,08,000	बचत खाते से अंतरण
02.07.2012	1,15,000	द्रविड सहाब एंव मेरी बच्ची की फीस की डी. डी. बनाये
03.08.2012	1,77,000	बचत खाते से अंतरण
23.08.2012	59,000	9.8.12 को निकाली गई राशि जमा
11.02.2013	1,05,000	निकाली गई राशि जमा
01.03.2013	1,00,000	निकाली गई राशि जमा
26.03.2013	40,000	बचत खाते से अंतरण
22.06.2013	58,000	ओवर ड्राफ्ट में ब्याज कम करने हेतु राशि जमा
01.01.2014	3,99,571	ब्याज कम करने हेतु बचत खाते से अंतरण

21.11.2014	1,40,000	भाई डा. बंसल से बच्ची के विवाह हेतु प्राप्त राशि उक्त दिनांक को मेरी पदस्थी शाखा में नहीं थी।

39. From the aforequoted justification given by petitioner, it is gathered that various entries in his saving bank and over draft accounts were beyond his service income (salary). The submission of petitioner that presenting officer has not shown any reason and has not filed any document while stating these entries to be suspicious, is apparently not acceptable inasmuch as it was the petitioner alone who could have explained these transactions.

40. Certain amount deposited in his SB account which is termed as '*grahkon ke jeevan bema karne hetu jama*' is also not justified inasmuch as the petitioner, being the Bank Officer, was not supposed to deposit official funds in his own SB account. Moreso, he could not support these entries with supporting documents. Various amounts have been stated to be transferred from Account No.143/124 which was also not justified by petitioner by assigning reasons.

41. Likewise, in his OD account also, various transactions were made from his SB account. About Rs.1,40,000/- was stated to be given by his brother for marriage of his daughter. This could have been easily supported by petitioner by producing income tax record of his brother wherein this entry must be reflecting, if it is fair transaction.

42. Time and again, the Apex Court has observed that a Bank officer/employee is the custodian of public funds and is required to maintain absolute honesty. The pertinent observation of Apex Court in the case of ***Boloram Bordoloi vs. Lakhimi Gaolia Bank*** reported in (2021)3 SCC 806, are as under:

“13. The Manager of a bank plays a vital role in managing the affairs of the bank. A bank officer/employee deals with the public money. The nature of his work demands vigilance with the in-built requirement to act carefully. If an officer/employee of the bank is allowed to act beyond his authority, the discipline of the bank will disappear. When the procedural guidelines are issued for grant of loans, officers/employees are required to follow the same meticulously and any deviation will lead to erosion of public trust on the banks. If the Manager of a bank indulges in such misconduct, which is evident from the charge memo dated

18-6-2004 and the findings of the enquiry officer, it indicates that such charges are grave and serious. In spite of proved misconduct on such serious charges, disciplinary authority itself was liberal in imposing the punishment of compulsory retirement. In that view of the matter, it cannot be said that the punishment imposed in the disciplinary proceedings on the appellant, is disproportionate to the gravity of charges. As such, this submission of the learned counsel for the appellant also cannot be accepted.”

43. In the case of *U.P. SRTC vs. Hoti Lal* reported in (2003)3 SCC 605, the Apex Court made following observations:

“10.If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct in such cases has to be dealt with iron hands. Where the person deals with public money or is engaged in financial transactions or acts in a fiduciary capacity, the highest degree of integrity and trustworthiness is a must and unexceptionable. Judged in that background, conclusions of the Division Bench of the High Court do not appear to be proper. We set aside the same and restore order of the learned Single Judge upholding the order of dismissal.”

44. Being a senior officer of the Bank, the petitioner was expected to understand the meaning of routing of funds, other than his salary, from his personal accounts. If the transactions are made, they must be justified by supporting documents. Therefore, even though the report submitted by enquiry officer was found to have vitiated for the reasons recorded above, the ultimate punishment of compulsory retirement imposed on petitioner does not warrant interference in view of aforesaid discussion with regard to charge no.13. The finding on this charge itself is sufficient to justify the punishment of compulsory retirement on petitioner.

45. Therefore, the punishment imposed on petitioner vide order, dated 30.11.2016 (Annexure P/11) and affirmed by appellate order, dated 13.09.2022 (Annexure P/19), are upheld. The petition fails and is hereby **dismissed**.

(ASHISH SHROTI)

JUDGE