HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 11126 OF 2012

O R D E R :

Calling in question the order passed by the 3rd respondent – Assistant General Manager-cum-Disciplinary Authority dated 03.11.2011 imposing punishment of dismissal without notice and also the order passed by the 2nd respondent - Deputy General Manager-cum-Appellate Authority *vide* proceedings dated 20.02.2012 dismissing the Appeal duly confirming the punishment of dismissal, petitioner is before this Court.

2. Petitioner was appointed as Typist-cum-clerk on 17.02.1987 and was re-designated as Data Entry Computer Operator. While so, alleging fraud in various transactions including Branch Office Accounts, a charge memo was issued on 15.03.2010 to which he submitted explanation denying the charges on 29.03.2010. After conducting enquiry, the 3rd respondent communicated Enquiry Report dated 30.05.2011 *vide* letter dated 13.06.2011. Petitioner submitted his explanation to the Enquiry Report on 08.07.2011. The 3rd respondent issued show cause notice to impose punishment of dismissal from service *vide* his letter dated 13.09.2011. It is

stated that petitioner submitted explanation to the show cause notice on 29.10.2011. However, he was dismissed from service by order dated 03.11.2011. Therefore, he stated to have preferred Appeal to the 2nd respondent on 22.11.2011 which was rejected by order dated 20.02.2012.

It is stated that there is no allegation in the charge sheet that loss has been caused to the 1st respondent by virtue of the alleged misconduct. On the contrary it is alleged that if the actions are proved to be true, then the 1st respondent is likely to incur loss which clearly goes to show that no loss has occurred but it is likely to incur.

Disciplinary proceedings initiated against him are under the provisions of Memorandum of Settlement of disciplinary action procedure for workmen signed between Indian Banks Association and the workmen union at Mumbai on 10.04.2002 (for brevity, referred to as 'settlement') and the same has been adopted by the 1st respondent *vide* circular dated 17.09.2022. Clause 4 of the settlement mandates that during pendency of disciplinary proceedings, if delinquent is put to trial, disciplinary proceedings shall be stayed pending completion of trial. It is relevant to submit that criminal proceedings have also been launched against petitioner and evidence and witnesses in both the criminal proceedings and

the departmental proceedings are one and the same. The criminal proceedings are still pending *vide* Crime No. 220 of 2009. In this view of the mater, the 3rd respondent ought to have suspended the departmental proceedings pending criminal proceedings. The 3rd respondent has grossly violated Clause 4 of the settlement and the law laid down by the Supreme Court.

Since the beginning of the department proceedings, petitioner has been continuously pleading with the 3rd respondent to permit him to examine the original vouchers that are relied on by the 3rd respondent in support of the allegations. Even as on today, he is not permitted for the same and in fact, vouchers were even marked during the enquiry proceedings in support of the allegations. He was not given a fair opportunity to defence his case effectively. Further, in the absence of the said vouchers, being marked as evidence, there is o evidence to link him to the alleged misconduct. Petitioner complains that management exhibits were marked after taking fresh print outs of the transactions but no original vouchers pertaining to original transactions were marked during the course of enquiry. This amounts to the respondents creating evidence which is impermissible. According to petitioner, the 3rd respondent returned a finding of guilt by taking into consideration irrelevant facts and circumstances and leaving out relevant facts. Rule 12

of the Settlement contemplates that petitioner is entitled for a personal hearing by the 3rd respondent before passing any order of punishment. However, the 3rd respondent did not permit him for such a personal hearing. It is the case of petitioner that the 3rd respondent has taken into consideration the alleged admission made by him with regard to the allegations; he has been repeatedly contending that he has been informed by the officers that the charges are pertaining to some other officers and that he has no role in the mater. The alleged admission was obtained from him under coercion and is inadmissible. Further, the officers who are responsible have been let off.

3. Counter-affidavit is filed on behalf of the respondent Bank by the Regional Manager stating that as per clause 4 of Settlement dated 10.04.2002, enquiry proceedings can be commenced/continued after 1 year from the date of lodging of criminal complaint and in the subject case, the Bank lodged a complaint with SHO, Habib Nagar Police Station *vide* FIR No. 220 of 2009 dated 08.10.2009 under Sections 408 and 420 I.P.C.; charge sheet was issued by the disciplinary authority on 15.03.2010, but enquiry proceedings by the enquiring authority were held on 24.11.2010 onwards and concluded on 28.02.2011, so the proceedings were conducted by the enquiring authority after completion of 1 year. There is no

illegality in conducting and completing the proceedings while criminal case is pending in C.C. No. 512 of 2015 in XVI ACMM Court at Nampally, Hyderabad.

Petitioner contended that letter dated 27.04.2009 addressed to Branch Manager admitting the fraudulent acts committed by him during 2006, 2007, and 2008 was obtained by the officials of the Bank under coercion and it was not voluntary. In fact, he gave another letter dated 10.06.2009 addressed to the Regional Manager referring his letter dated 27.04.2009, in which he categorically stated that he promised to pay entire irregular amounts in a period of time and paid Rs. 1,00,000/- on 05.06.2009 and the amount involved is Rs. 6.62 lakhs to his knowledge and if there are any other entries after due verification, he undertook to pay the same also and requested the bank not to initiate any action outside the bank and cooperate in all the departmental enquiries. Further, even in the explanation to charge-sheet *vide* letter dated 29.10.2010, he did not even plead any letters were obtained under threat or coercion from him forcefully admitting the fraudulent acts which are referred to in the charge-sheet. This itself demonstrates that those letters were given on his own accord.

Petitioner is a workman as defined under the

Industrial Disputes Act, as such he is having an alternative and effective remedy before the labour court which has wide powers to grant the relief. Therefore, the writ petition is liable to be dismissed on the ground of availability of alternative and efficacious remedy under I.D. Act.

Petitioner was working as Computer Operator at Darussalam Branch and he was placed under suspension *vide* letter dated 27.04.2009 pending further investigation and disciplinary action. A show cause notice dated 01.09.2009, was issued seeking his comments in regard to various unauthorized debits in various accounts and crediting those amounts to his accounts and also to savings bank accounts opened jointly by him with his children. In response to that and also to reminder letter dated 01.10.2009, he did not submit any explanation. In those circumstances the disciplinary action was initiated in regard to the charges dated 15.03.2010 for which he gave a reply dated 29.03.2010, denying the allegations made against him. The Disciplinary Authority *vide* letter dated 07.07.2010, appointed the Enquiry Officer to conduct the enquiry proceedings in relation to the charge sheet dated 15.03.2010 and also appointed the Presenting Officer and duly informed petitioner that he can take the assistance of defence representative from workmen union to defend his case in terms

of Memorandum of Settlement dated 10.04.2002. The Enquiry Officer conducted preliminary hearing on 21.09.2010 and regular hearings on 24.11.2010 and also on various dates as recorded in his report and proceedings were concluded on 28.02.2011. During the enquiry, the management examined one witness and marked Exs. ME-1 to 148 and the defence representative cross-examined the management witness and petitioner presented four defence witnesses. The enquiring authority *vide* report dated 23.05.2011, held that charge no. 1/imputation no. 1, 5-15, 17-34, 36-53 are established and imputation no. 2 to 4 and 35 are not established and recorded that imputation no. 16 was not pursued by the Management. The said enquiry report was forwarded to petitioner asking him to make submissions if any vide letter dated 13.06.2011 and reminder letter dated 28.06.2011 and petitioner made his submissions *vide* letter dated 07.07.2011. The Disciplinary Authority issued show cause notice dated 30.09.2011 for which petitioner made submissions *vide* letter dated 29.10.2011. The Disciplinary Authority placed on record that he considered the entire record of disciplinary proceedings and he is not in agreement with his submissions and proposed to dismiss from service, and however, before the final decision is taken the opportunity was given to petitioner to show cause why the

proposed dismissal without notice should not be imposed on him. Later on, the Disciplinary Authority passed the final order on 03.11.2011 imposing the punishment "dismissed without notice". Petitioner preferred Appeal dated 22.12.2011. The said Appeal was dismissed by the Appellate Authority *vide* order dated 20.02.2012.

It is stated that petitioner's service conditions in relation to disciplinary action are governed by the Memorandum of Settlement dated 10.04.2002. Disciplinary action was initiated and conducted as provided under the said settlement. Petitioner was given adequate opportunity to defend the charges levelled against him and he was duly represented by defence representative during the said proceedings. The principles of natural justice were duly followed during enquiry. The findings of the enquiry officer which are accepted by the Disciplinary Authority are based upon the evidence brought on record. Since the nature of misconduct proved is fraudulent acts by debiting the amounts to various accounts and credited to his account and also joint account, the management lost confidence on the honesty and integrity of the petitioner, and, further the acts of such employees deserve extreme punishment i.e., dismissal from service. Hence the punishment imposed is not disproportionate to the misconduct held has proved.

As per law laid down by the Hon'ble Supreme Court in ***B.C. Chaturvedi v. Union of India***[1]**,** a three-judge bench held that disciplinary authority and on appeal, appellate authority, being fact- finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are vested with discretion to impose appropriate punishment keeping in view the magnitude or gravity of misconduct. The High Court/Tribunal while exercising the power of Judicial review, cannot normally substitute their own conclusion on penalty and impose some other penalty. It is stated that the grounds urged questioning the validity of the order passed by the 3rd respondent as confirmed by the 2nd respondent are bereft of valid grounds.

4. State Bank of India, represented by its Chairman and managing Director, was impleaded as the 4th respondent by order dated 05.12.2022 in I.A.No. 1 of 2022.

5. Learned counsel for petitioner Sri P.S. Rajasekhar submits that initiation of departmental proceedings by issuing charge memo dated 15.03.2010 is in violation of Clause 4 of the Memorandum of Settlement dated 10.04.2002 which mandates that such course of action can be adopted only after expiry of period of one year from the date of initiation of criminal

[1] (1995) 6 SCC 749

prosecution. Respondents in Para 4 (a) of the counter affidavit have admitted that FIR was registered on 08.10.2009. It is a settled principle of law that departmental enquiry is deemed to have been initiated from the date of issuance of charge-sheet. In this connection, learned counsel relies on judgment of the Hon'ble Supreme Court in ***Union of India v. Anil Kumar Sarkar***[2]**,** wherein it has been held as under:

> ***19.*** *In Coal India Ltd. v. Saroj Kumar Mishra [(2007) 9 SCC 625 : (2008) 2 SCC (L&S) 321 : AIR 2007 SC 1706] this Court, in AIR para 22, has held that: (SCC p. 632, para 18)*
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> *"18. A departmental proceeding is ordinarily said to be initiated only when a charge-sheet is issued."*
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> ***20.*** *In Coal India Ltd. v. Ananta Saha [(2011) 5 SCC 142 : (2011) 1 SCC (L&S) 750] this Court held as under: (SCC p. 155, para 27)*
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> *"27. There can be no quarrel with the settled legal proposition that the disciplinary proceedings commence only when a charge-sheet is issued to the delinquent employee. (Vide Union of India v. K.V. Jankiraman [(1991) 4 SCC 109 : 1993 SCC (L&S) 387 : (1993) 23 ATC 322] and UCO Bank v. Rajinder Lal Capoor [(2007) 6 SCC 694 : (2007) 2 SCC (L&S) 550] .)"*
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> ***21.*** *We also reiterate that the disciplinary proceedings commence only when a charge-sheet is issued. Departmental proceeding is normally said to be initiated only when a charge-sheet is issued.*

It is submitted that along with petitioner, Respondent Bank proceeded against five other individuals with respect to the very same transaction, however, the bank has let-off the other employees with "warning" while imposing punishment of dismissal from service upon petitioner. It is a settled principle of law that bank is bound to maintain parity among co-delinquents. Learned counsel relies on paragraphs 9 to 12 of the judgment of the Hon'ble Supreme Court in

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[2] (2013) 4 SCC 161

Rajendra Yadav v,. State of Madhya Pradesh[3]. They read as under:

> *"* ***9.*** *The doctrine of equality applies to all who are equally placed; even among persons who are found guilty. The persons who have been found guilty can also claim equality of treatment, if they can establish discrimination while imposing punishment when all of them are involved in the same incident. Parity among co-delinquents has also to be maintained when punishment is being imposed. Punishment should not be disproportionate while comparing the involvement of co-delinquents who are parties to the same transaction or incident. The disciplinary authority cannot impose punishment which is disproportionate i.e. lesser punishment for serious offences and stringent punishment for lesser offences.*
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> ***10.*** *The principle stated above is seen applied in a few judgments of this Court. The earliest one is DG of Police v. G. Dasayan [(1998) 2 SCC 407 : 1998 SCC (L&S) 557] wherein one Dasayan, a police constable, along with two other constables and one Head Constable were charged for the same acts of misconduct. The disciplinary authority exonerated two other constables, but imposed the punishment of dismissal from service on Dasayan and that of compulsory retirement on the Head Constable. This Court, in order to meet the ends of justice, substituted the order of compulsory retirement in place of the order of dismissal from service on Dasayan, applying the principle of parity in punishment among co-delinquents. This Court held that it may, otherwise, violate Article 14 of the Constitution of India.*
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> ***11.*** *In Shaileshkumar Harshadbhai Shah case [(2006) 6 SCC 548 : 2006 SCC (L&S) 1486] the workman was dismissed from service for proved misconduct. However, few other workmen, against whom there were identical allegations, were allowed to avail of the benefit of voluntary retirement scheme. In such circumstances, this Court directed that the workman also be treated on the same footing and be given the benefit of voluntary retirement from service from the month on which the others were given the benefit.*
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> ***12.*** *We are of the view that the principle laid down in the abovementioned judgments would also apply to the facts of the present case. We have already indicated that the action of the disciplinary authority imposing a comparatively lighter punishment on the co-delinquent Arjun Pathak and at the same time, harsher punishment on the appellant cannot be permitted in law, since they were all involved in the same incident. Consequently, we are inclined to allow the appeal by setting aside the punishment of dismissal from service imposed on the appellant and order that he be reinstated in service forthwith. The appellant is, therefore, to be reinstated from the date on which Arjun Pathak was reinstated and be given all consequential benefits as were given to Arjun Pathak. Ordered accordingly. However, there will be no order as to costs."*

Learned counsel submits that petitioner filed Writ Petition No. 7784 of 2011 challenging initiation of departmental

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[3] (2013) 3 SCC 73

proceedings against him, letting-off other officers. This Court by order dated 13.04.2011 dismissed the same, however, directed that if any material is gathered against other officers, Respondent Bank should take appropriate decision in the matter. The Bank preferred Writ Appeal No. 589 of 2012 against the said order and Division Bench by order dated 26.06.2012 set aside the order of the learned Single Judge. This clearly goes to show that respondents are not maintaining parity among co-delinquents.

It is further submitted that the Appellate Authority passed *vide* order dated 20.02.2012 rejected the Appeal without assigning any reasons whatsoever. According to the learned counsel, the same is contrary to law as laid down by the Hon'ble Supreme Court in ***Divisional Forest Officer Vs. Madhusudan Rao***[4]. It has been held as under:

> ***"20.*** *It is no doubt also true that an appellate or revisional authority is not required to give detailed reasons for agreeing and confirming an order passed by the lower forum but, in our view, in the interests of justice, the delinquent officer is entitled to know at least the mind of the appellate or revisional authority in dismissing his appeal and/or revision. It is true that no detailed reasons are required to be given, but some brief reasons should be indicated even in an order affirming the views of the lower forum."*

The Appellate Authority failed to appreciate the request of petitioner for personal hearing as provided under Regulation 12. According to learned counsel, the impugned orders have been passed in the absence of any evidence whatsoever that has been

[4] (2008) 3 SCC 469

brought on record. The Enquiry Report at page 103 of the Writ Petition material papers in the last paragraph clearly records that Voucher Verification Report was not generated on day-to-day basis and checking also was not done properly and none of the originals were marked as Exhibits. In this view of the matter, imposition of punishment of dismissal from service is contrary to law laid down by the Constitutional Bench of the Hon'ble Supreme Court in Para 23 of the judgment reported in ***Union of India Vs. H.P. Goel[5].***

> *" **23.** That takes us to the merits of the respondent's contention that the conclusion of the appellant that the third charge framed against the respondent had been proved, is based on no evidence. The learned Attorney-General has stressed before us that in dealing with this question, we ought to bear in mind the fact that the appellant is acting with the determination to root out corruption, and so, if it is shown that the view taken by the appellant is a reasonably possible view this Court should not sit in appeal over that decision and seek to decide whether this Court would have taken the same view or not. This contention is no doubt absolutely sound. The only test which we can legitimately apply in dealing with this part of the respondent's case is, is there any evidence on which a finding can be made against the respondent that Charge No. 3 was proved against him? In exercising its jurisdiction under Article 226 on such a plea, the High Court cannot consider the question about the sufficiency or adequacy of evidence in support of a particular conclusion. That is a matter which is within the competence of the authority which deals with the question; but the High Court can and must enquire whether there is any evidence at all in support of the impugned conclusion. In other words, if the whole of the evidence led in the enquiry is accepted as true, does the conclusion follow that the charge in question is proved against the respondent? This approach will avoid weighing the evidence. It will take the evidence as it stands and only examine whether on that evidence illegally the impugned conclusion follows or not. Applying this test, we are inclined to hold that the respondent's grievance in well founded, because, in our opinion, the finding which is implicit is the appellant's order dismissing the respondent that charge number 3 is proved against him is based on no evidence.*

Learned counsel submits that charge memo at page 48 of the material annexed to Writ Petition states that action of

[5] AIR 1964 SC 364

petitioner is likely to result in loss to respondent bank. The same goes to show that there is no financial loss to bank as no such finding has been arrived at in the Enquiry Report. It is finally submitted that this Court may impose any other lesser punishment instead of punishment of dismissal from service. The said course of action is permissible as laid down by the Hon'ble Apex court in ***B.C.Chaturvedi's case***. Paragraph 18 of which reads as under:

> *" **18.** A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.*

6. On the other hand, learned counsel for respondent bank has relied on the judgments on the following aspect:

Criminal proceedings does not affect disciplinary proceedings – ***Management of BHEL v. M. Mani[6] , Noida Entrepreneurs Association v. Noida[7], Praveen Kumar v. Union of India[8], Divisional Controller Karnataka State***

[6] (2018) 1 SCC 285
[7] (2007) 10 SCC 385
[8] (2020) 9 SCC 471

RTC v. M.G. Vittal Rao[9] and ***State of Rajasthan v. B.K. Meena***[10]***.***

Loss of confidence – ***Suresh Pathrella v. Orienal Bank of Commerce***[11]***, State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaya***[12]***.***

Scope of judicial review in disciplinary matters and proportionality of punishment: ***B.C. Chaturvedi v. Union of India (supra), Lucknow Kshetriya Gramina Bank v. Rajendra Singh***[13]

7. After considering the rival submissions based on the well-settled legal precedents, this Court perused the material available on record. It could notice the findings recorded by the Enquiry Officer, which was placed as material paper from page 72 to 104. At page 89, it was observed that 'to a question of PO by perusing the special audit report MW deposed that:

> " To a question of PO by perusing the special audit report MW deposed as under that
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> 1.NEWS paper cutting: NEWS report of "Eenadu" Hyderabad of Friday the 9th October, 2009-gist-Bank Employee Absconding.
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> The same was brought on record and marked as ME-144.
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> 2. Letter dated 27.05.2009, written by Shri.K.S. Paranjyothi, addressed to the Branch Manager Darusalam. The letter was personally delivered at the Branch along with the enclosures on 28.05.2009. Gist of the letter - Shri K.S Paranjyothi has accepted

[9] (2012) 1 SCC 442
[10] (1996) 6 SCC 417
[11] (2006) 10 SCC 572
[12] (2011) 4 SCC 584
[13] (2013) 12 SCC 372

that he has committed certain irregularities and credited the proceeds to his accounts and also to other accounts. He has given an undertaking to pay back the entire amount with in Six Months. He has also given an undertaking to pay an amount of Rs. 1,00,000/- on 05.06.2009

The same was brought on record and marked as ME-145

3. Letter dated 02.052009, written by Shri K.S Paranjyothi, addressed to the Assistant General Manager Region-l through Branch Manager Darusalam and submitted to Branch Manager Darusalamon 02.05 2009. The gist of the letter- Shri K.S. Paranjyothi submitted the details of amount misappropriated (Rs.6,17,965.45) by him and has given an undertaking to repay the amount with in 3 months from the earnings of his NRI Spouse.

The same was brought on record and marked as ME-146.

4. Letter dated 05.06.2009 written by Shri.K.S. Paranjyothi, addressed to Branch Manager S.B.H. Darusalam Branch submitted at the Branch on 05.06.2009. The gist of the letter- Shri K.S.Paranjyothi submitted that he has repaid Rs.1,00,000/- as promised by him. He has also promised that he shall pay the remaining amount of Rs.6.52 lacs and if any more in instalments.

The same was brought on record and marked as ME-147.

5. Letter dated 10.06.2009 received from Shri. K. S. Praranjyothi, addressed to AGM Reg-I Z.O. Hyderabad received on 10.06.2009 at Branch. The gist of the letter- Shri K.S.Paranjyothi submitted that as he has already confessed the irregularities committed by him and repaid Rs.1,00,000/- as promised. He has further given an undertaking to repay remaining amount also and requested the AGM not to initiate any actions outsideof the Bank.

The same was brought on record and marked as ME-148.

To a question of PO, MW deposed that when he has reported at the Branch he has observed that printing of VRs was not in order, as the pages were not properly set up in the printing machine. The sorting and filing of vouchers was not in order of the WRS and BGL reports. Filing and binding of VWRs was not in chronological order. There were several instances of non-checking of VWRs for obvious reasons.

To a of PO question, MW deposed that there is a provision in the system to generate WRs/BGLs of old dates.

To a question of PO, MW deposed that the accounts like "System Suspense", "Clearing Suspense", Outward Clearing Suspese" and System Suspense Miscellaneous - difference account" etc are intermediary accounts which are made zero on the same day These accounts are used to facilitate certain transactions.

To a question of PO, MW deposed that no separate vouchers are prepared for these intermediary accounts unless exceptional circumstances warrants so.

To a question of PO, MW deposed that in "Core Banking Solutions" there is a provision for auto renewals of TDRs. The out-standings in the "Deposit @ Call" account represent old entries lying outstanding. He has not come across any instances of amount pertaining to staff deposits lying in the "Deposit @ Call" account".

8. Earlier, in Writ Petition No. 7784 of 2011 filed questioning initiation of departmental proceedings against petitioner by the 1st respondent bank leaving some other officers who were also involved, this Court in its detailed order dated 13.04.2011 observed that,

> " Hence, I cannot accede to the request of the petitioner in this regard. It is therefore not appropriate for this court to entertain this writ petition or allow the disciplinary proceedings initiated against the petitioner to drift away from the chartered course of action.
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> He has to navigate for the present, all alone. It is for the Bank to take a decision as to whether a joint action would be desirable or it would be expedient to precede each of the officers, for the specific role played by him."
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> However it was added in the last para:
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> Therefore, this writ petition is dismissed at the admission stage. However, the 1st respondent - Bank will take appropriate decision after careful scrutiny of the material gathered against five other officers as alleged by the petitioner and take appropriate decision in the matter within a period of three months from the date of receipt of this order."

The Appeal preferred thereagainst by the Bank was allowed setting aside the order of the learned Single Judge. It is observed in the Appeal that,

> " It is pleaded before us on behalf of the appellant Bank that in fact, by the date of the order under appeal out of the said five officers, three officers, namely, (1) M.Rajendra Prasad, (2) M.A.Nayeem Khan and (3) Esa Shareef, were already issued memos calling for their explanations and penalties have also been imposed.
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> Be that as it may. Since the writ petition was dismissed at the stage of admission without notice to the appellant Bank, we find force in the submission of the learned counsel for the appellant that the direction to take appropriate decision against the five officers who were not even made parties to the writ petition, within three months was unwarranted and unjustified apart from being contrary to the principles of natural justice."

9. In this backdrop, since petitioner had made some payments duly admitting his guilt, this Court is of the opinion

that punishment imposed against him is harsh. Therefore, in view of the judgment of the Hon'ble Apex Court in ***B.C. Chaturvedi's case*** (supra), particularly paragraph 18 quoted supra, this Court inclines to reduce the punishment from dismissal from service to withholding two increments.

10. The Writ Petition is allowed in part. Punishment of dismissal from service is reduced to withholding two increments from the salary of petitioner. No costs.

11. Consequently, the miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

28th February 2024

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