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**120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**LPA-2702-2025 (O&M)
Date of Decision: 08.09.2025**

MOHIT BAKSHI

... APPELLANT

VS.

UNION BANK OF INDIA AND OTHERS

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Ankit Bishnoi, Advocate,
for the appellant.

Mr. Gaurav Goel, Advocate and
Mr. Ajay Singh Rana, Advocate,
for the respondent(s)-Bank.

ASHWANI KUMAR MISHRA, J. (ORAL)

CM-6774-LPA-2025

Prayer in the present application is for condonation of delay of 18 days in filing the present appeal.

For the reasons stated in the application, the same is allowed and delay of 18 days in filing the present appeal is condoned.

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1. This appeal arises out of an order passed by the learned Single Judge on 16.07.2025, whereby the appellant's writ came to be dismissed by the learned Single Judge.

2. The appellant, at the relevant point of time, was posted in the bank and was subjected to departmental proceedings on the charge that



higher amounts were received from the account holder under 'One Time Settlement Scheme', which was pocketed by the appellant alongwith another employee, namely, Kartik Gupta. Such amount was not deposited with the bank.

3. During the course of disciplinary proceedings, the charge-sheeted employees submitted a confessional letter before the employer and also deposited the excess amount received by them with the bank.

4. The learned Single Judge has treated their conduct as an admission of guilt on the part of the appellant, and, considering the fact that the appellant alongwith Kartik Gupta were officials of the bank, held that the proved allegations rendered their removal from service valid. Various mitigating factors and other circumstances highlighted by the appellant have also been duly considered by the learned Single Judge while dismissing the writ petition. The observations made by learned Single Judge in paragraphs No. 14 to 21 are relevant and reproduced herein below:-

14. It is also not in dispute that the petitioner was serving as a Senior Manager and, therefore, occupied a position higher in rank and command than respondent No.2–Kartik Gupta, who held the post of Assistant Manager. The mitigating circumstance recorded by the Inquiry Officer merely notes that respondent No.2–Kartik Gupta appeared to play a dominant role, and that the charge-sheeted officers were ostensibly acting under his direction. However, given that the petitioner, being the charge-sheeted officer, held a superior position in the official hierarchy, there can be no justification for an Assistant Manager to issue commands to him. It appears that respondent No.2–



Kartik Gupta, being the operative hand in executing the unholy scheme, acted as the front, while the petitioner acquiesced to the methodology employed. The petitioner was under no compulsion to accept instructions from a subordinate; rather, it was incumbent upon him, in his capacity as Senior Manager, to take requisite and timely action to ensure that none of the account holders were deprived of the legitimate benefits conferred under the OTS Scheme.

15. *Furthermore, the mere circumstance that the illegal activities appeared to have commenced after the transfer of respondent No.2–Kartik Gupta, who was admittedly and actively involved in executing the fraudulent scheme, does not, by itself, exonerate the petitioner. On the contrary, the material on record clearly reflects that the petitioner was an active and willing partner in the said misconduct. His complicity stands established through his own admission, and the findings of the Inquiry Officer. The fact that respondent No.2–Kartik Gupta is stated to have indulged in similar misconduct in other branches, in collusion with respective Branch Heads, only reinforces the conclusion that the initiative for earning illicit gains through deceitful means may have originated with respondent No.2. However, for seamless execution of such unlawful designs, he evidently solicited and secured the cooperation, or at the very least the acquiescence, of the Branch Managers and Senior Managers, including the petitioner, by offering a share in the misappropriated proceeds. Such conduct on the part of the petitioner, especially holding a position of command and trust, cannot be condoned and clearly establishes his role in the conspiracy.*



16. *Even otherwise, the dominant role played by respondent No.2–Kartik Gupta in executing the illegal collections under the OTS Scheme does not absolve the petitioner of liability. The Inquiry Report must be construed in its entirety, and the mitigating circumstances noted therein cannot be isolated or treated as dispositive in favour of the petitioner. While such factors may serve to moderate the degree of culpability, they do not negate the petitioner's active involvement and complicity in the misconduct. The charges against the petitioner remain substantiated and must be viewed in the context of the overall findings, which affirm his participation alongside respondent No.2 in the wrongful acts. The findings recorded by the Inquiry Officer are extracted as under:-*

Findings Conclusion

. It is established herein above that CSO had recovered higher amounts from the NPA borrowers which was far more than the amount sanctioned under Centenary Settlement Scheme for Doubtful and Loss Assets (CSSDL)/OTS Scheme for Doubtful & Loss Assets (OSDL) for adjustment/closure of their accounts. CSO had confessed having recovered excess amount from the borrowers and also refunded the excess amount to the tune of Rs.43.86 lacs, jointly with his Assistant Manager (Recovery) Mr. Kartik Gupta. In violation of the scheme guidelines, he convinced the borrowers for depositing the running ledger amount for settlement of their NPA loan accounts under CSSDL/OSDL scheme instead of the actual amount sanctioned under the scheme and informed them that the interest portion of the loan will be waived off. It is reported that though higher amounts as stated above were recovered from the NPA borrowers, the actual settlement amount as per sanction advice i.e. 25-30% of the running ledger was deposited in these NPA accounts. The excess amount was shared by him in equal proportion with the then Recovery Officer, Shri Kartik Gupta. Perusal of the statement of accounts held with MEX-1 to MEX-30 reflects that the running ledger outstanding amount matches more or less with the



accepted deposit amount referred in ZLCC note MEX-36/27-30. Proper acknowledgement slips for actual deposit of cash were not provided to the borrowers. CSO had issued Settlement Certificates to the borrowers, wherein only the sanctioned limit was mentioned instead of the settlement amount. Moreover, OTS amount was not mentioned in the letters given to the respective borrowers, after settlement which was against the extant guidelines. To erase the evidence CSO along with Shri Gupta, the then Recovery Officer formatted the CCTV hard disk of the Branch on 05.04.2021.

. Out of the 31 accounts, as per list annexed, documents relating to two accounts at Sr. No.3 & 25 are not held on record of inquiry. Further in terms of ZLCC note MEX-36/27-30, refunds were made to 18 borrowers for 20 accounts held in their names. Excess amount were indentified, out of the claims made by BKU (MEX-36/35) and later the excess amount identified was refunded vide MEX-37. Account wise excess amount refunded is referred in the table below in separate column. In terms of MEX-36/27-30 which is ZLCC Note, the refunds made to the borrowers were out of the recovered amount from CSO & Mr. Kartik Gupta.

Sr. No.	Account No.	Name of the borrower	Refund made
1.	464505030060516	Shri Nachhatra Singh	
2.	464505030061358	Shri Gurdev Singh	
3.	464506060000026	Shri Balveer Singh	Doc not held
4.	464505030060933	Shri Gurdeep Singh	
5.	464505030061207	Shri Balwant Singh	142200
6.	464505030060987	Shri Sadhu Singh	
7.	464505030061371	Shri Sukhdev Singh	322500
8.	464506060000035	Shri Gurdas Singh	254000
9.	464505030061190	Shri Gurdas Singh	
10.	464505030061280	Shri Baldev Singh	100000
11.	464505030061503	Shri Darshan Singh	142500
12.	464505030061784	Shri Dhlan Singh	25500
13.	464505030061201	Shri Amarjit Singh	230000
14.	464505030061106	Ms. Harbabs Kaur	300000



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15.	464505030061384	Ms. Chhinder Kaur	173962
16.	464505030061565	Shri Sukhvinder Singh	524000
	464506060000084	Shri Sukhvinder Singh	
17.	464505030061621	Shri Gurmet Singh	155000
18.	464505030061600	Shri Ramrakha Singh	
19.	464505030060813	Shri Gurdeep Singh	
20.	464505030061502	Shri Gurjant Singh	
21.	464505030061263	Shri Balkaran Singh	413750
22.	464506060000042	Shri Balkaran Singh	
23.	464505030061546	Shri Tarsem Singh	600000
24.	464505030061691	Shri Pritam Singh	400500
25.	464505030061243	Shri Makhan Singh	147400
26.	464505030060659	Shri Karnail Singh	Doc not filed
27.	464505030061603	Ms. Rani	137790
28.	464505030061655	Shri Iqbal Singh	97850
29.	464505030061622	Shri Sudha Singh	
30.	464505030061170	Shri Gurcharan Singh	130000

Inquiry findings-Sh. Mohit Bakshi (U/S), Senior Manager Nandigarh Bandi Branch, Bathinda Region in terms of Article of Charge No.CO:ERD:OS:VIG:376:2022 dated 30th August, 2022.

Therefore, from the evidence on record of inquiry, both oral and documentary and on the basis of various allegations held as established or otherwise, my findings on the charges levelled against the CSO vide the aforesaid Articles of Charge are as under:

<i>Failure to take all possible steps to ensure and protect the interest of the Bank.</i>	<i>Proved</i>
<i>Failure to discharge his duties with utmost devotion and diligence.</i>	<i>Proved</i>



<i>Failure to discharge his duties with utmost honesty and integrity.</i>	<i>Proved</i>
<i>Acting otherwise than in his best judgment in the performance of his official.</i>	<i>Proved</i>

17. *The scope of the mitigating factors noticed by the Inquiry Officer may at best be an aid while determining the punishment to be imposed upon the delinquent Officer. Such factors, however, cannot be construed or interpreted as negating the establishment of charges beyond reasonable doubt or probabilities. The fundamental question of culpability stands affirmed, as the allegation regarding the collection of excess amounts beyond the prescribed One Time Settlement (OTS) Scheme, and the consequent sharing thereof, thus has been proved.*

18. *Based upon the said Inquiry Report, the Disciplinary Authority passed the order of taking into consideration all the relevant contentions. Since the nature of the allegations and the fraud committed by the petitioner were grave and reflected compromised integrity, hence, the respondent(s)-Union Bank of India decided to impose the major penalty of removal from service. The subsequent appeals, review as well as mercy petition have also been dismissed.*

19. *The charges and allegations proven against the petitioner, as upheld by the Departmental Authorities at every stage, clearly establish the commission of grave misconduct. The proven charge of dishonestly receiving undue benefits reflects moral turpitude and conduct unbecoming of a Senior Manager. The act of collecting excessive amounts and sharing the proceeds with the recovery agent constitutes a serious breach of public trust and an abuse of authority. Such conduct defeats the very purpose of the One Time Settlement Scheme, resulting in the unjust deprivation of benefits meant for the*



customers, thereby constituting a flagrant violation of fiduciary duty.

20. *So far as the argument of the petitioner about having submitted the confession letter under threat is concerned, the said argument does not inspire any confidence and seems to be an afterthought since the plea of having submitted the letter under compelling circumstances was raised by the petitioner for the first time in September, 2022 i.e. after an expiry of 10 months. Even the manner in which the petitioner has raised this plea, merely to test its efficacy, demonstrates that it is a calculated afterthought, advanced solely as a stratagem to evade punishment and to obtain absolution from the charges duly established against him.*

21. *It is well settled that the scope of interference by this Court, in matters of disciplinary action is circumscribed. Except where there is manifest illegality, perversity, impropriety, discrimination, or arbitrariness in the impugned action, or doctrine of proportionality is violated, the High Court, exercising its jurisdiction of judicial review, would not ordinarily act as an appellate authority to re-examine or overturn the decision rendered by the competent disciplinary authorities.”*

5. Various submissions have been made but the observations made by learned Single Judge in the aforesaid paragraphs are not shown to be factually incorrect or vitiated by any legal error. Financial impropriety on



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part of the bank employee, who occupies an office of trust is a serious charge and once it is established the employee can always be removed from service.

6. We are thus in agreement with the view taken by learned Single Judge in dismissing the writ petition.
7. The appeal lacks merit and is accordingly dismissed.
8. Pending applications, if any, also stand disposed of.

**(ASHWANI KUMAR MISHRA)
JUDGE**

**(ROHIT KAPOOR)
JUDGE**

08.09.2025

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No