



LPA-1030 of 2018 (O&M)

1

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

**LPA-1030 of 2018 (O&M)
Date of decision : May 13, 2025**

State Bank of Patiala (Now State Bank of India) and others

..... Appellants

Versus

Sanjeet Mehndiratta

..... Respondent

**CORAM : HON'BLE MR. JUSTICE SANJEEV PRAKASH
SHARMA
HON'BLE MR. JUSTICE H. S. GREWAL**

Present :- Mr. Kapil Kakkar, Advocate
for the appellants.

Mr. Naresh Prabhakar, Advocate for the respondent.

SANJEEV PRAKASH SHARMA, J (Oral)

1. The appeal assails the order passed by the learned Single Judge dated 26.04.2018 in CWP-22240-2016 whereby learned Single Judge has held as under:-

“In support of the petitioner's prayer, petitioner has pointed out that disciplinary authority has taken extraneous material into consideration and he was biased. If the extraneous material read with the reply to the charge memo is taken into consideration, then obviously, the disciplinary authority would be imposing major penalty. Had he reflected, petitioner's reply to the charge memo insofar as admission is concerned, then disciplinary authority might have imposed minor



penalty. Therefore, taking extraneous material by the disciplinary authority to the extent of Senior Officers' of the Bank report which is not part and parcel of charge memo. In other words, petitioner has not been heard in respect of the report of the Senior Officers of Bank which has been relied by the disciplinary authority. Extraneous material has been taken into consideration while imposing the penalty by the disciplinary authority. Reviewing authority has modified the penalty which is a disadvantage to the petitioner and so also it is harsher than the disciplinary authority's order and modified penalty is not specific to the extent of which period. Therefore, in all fairness reviewing authority should have issued a show cause notice asking the petitioner as to why penalty imposed by the disciplinary authority shall not be modified. Without giving opportunity of hearing to the petitioner, reviewing authority has modified the penalty, which is disadvantage to the petitioner. On these counts impugned orders of Disciplinary, Appellate and Reviewing authorities are set aside. Reserving liberty to the respondent-disciplinary authority to proceed to pass order pursuant to petitioner's admission to the charge dated 22.4.2015 afresh in accordance with law."

2. Learned counsel for the appellants submits that the facts as taken in the aforesaid paragraph, there is a specific admission to the charges levelled against the delinquent official in his reply and in view of Regulation 68.2 of State Bank of Patiala (Officers') Service Regulations 1979 (hereinafter referred to as 'the Regulations 1979'), the disciplinary authority was entitled to proceed and pass punishment order without further asking for documents etc.



He has invited our attention to the provisions of Regulation 68.2 which read as under:-

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iv. On receipt of a written statement of the officer, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or if it considers it necessary to do so appoint under clause (ii) an Inquiry Authority for the purpose.

Provided that it may not be necessary to hold an enquiry in respect of the articles of charge admitted by the officer in his written statement but it shall be necessary to record its findings on each such charge.”

3. Learned counsel for the appellants has further submitted that it was wholly incorrect to record on the part of the learned Single Judge that the Reviewing Authority has passed an order enhancing the punishment. On the other hand, the disciplinary authority, upon noticing the addition on part of the delinquent, had passed the punishment order whereby the respondent was awarded penalty of reduction “in grade by two levels i.e. from Asstt. General Manager to MMGS-III” with immediate effect in terms of Regulation 67 (g) of the Regulations 1979 was passed. The basic pay was reduced from Rs. 40,400/- p.m. to Rs. 31,500/- p.m which was maximum of MMGS-III Scale. The said punishment was upheld in appeal by the Appellate Authority vide order dated 13.08.2015. However, the Reviewing Authority, after considering all the aspects and taking a lenient view, reduced the punishment down grading the scale from the Scale V to lowest level of Scale IV. In view thereupon, he submits that the punishment

**LPA-1030 of 2018 (O&M)****4**

was reduced and therefore could not be said to be harsher than the disciplinary authority's order as observed by learned Single Judge. There was, thus, no occasion to remand the matter back to the disciplinary authority to pass a fresh order.

4. Per contra, learned counsel for the respondents submits that the learned Single Judge has rightly noticed that the disciplinary authority has taken into consideration as many as issues while passing the punishment order. The appellants were not given any opportunity to rebut the said extraneous material and therefore, the punishment was not wrong. He further submits that the Reviewing Authority though has issued an order of reduction to Scale IV from Scale V, the appellants would suffer much as there was another order by which one increment has been stopped. Thus, what he was receiving as maximum of MMGS-III would be lower down further.

5. We have considered the submissions.

6. We find that the delinquent-writ petitioner was charged by issuing a chargesheet vide charge memo dated 08.04.2015. As per statement of allegations, he had physically assaulted one Assistant Manager, and had used unparliamentary abusive language with the staff working under him causing him humiliation and also threatened all the subordinate officers working under him of consequences in the matter relating to misbehaviour and assaulting of Assistant



Manager was reported by them. All the charges were accepted by the delinquent writ petitioner in toto and he tendered unconditional, unqualified apology for his acts. Taking a lenient view, the punishment had been reduced by the Reviewing Authority.

7. We have, for the purpose of decision quoted the order passed by the learned Single Judge which reflects facts to be otherwise. Thus, we are convinced that correct facts were not brought before the learned Single Judge for the formation of the order, resulting in remanding the matter back to the disciplinary authority.

8. We, on the basis of facts as have come on record that there was no occasion to interfere with the order of Punishing Authority keeping in view the law laid down by the Supreme Court in the case of ***Union of India and others Vs. P. Gunasekaran; 2015 (2) SCC 61*** held as follows:-

“13. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, re-appreciating even the evidence before the enquiry officer. The finding on Charge no. I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under [Article 226/227](#) of the Constitution of India, shall not venture into re-appreciation of the evidence. The High Court can only see whether:

a. the enquiry is held by a competent authority;



- b. *the enquiry is held according to the procedure prescribed in that behalf;*
- c. *there is violation of the principles of natural justice in conducting the proceedings;*
- d. *the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- e. *the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- f. *the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- g. *the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- h. *the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- i. *the finding of fact is based on no evidence.*

Under [Article 226/227](#) of the Constitution of India, the High Court shall not:

- (i) re-appreciate 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.”*

9. The aforesaid view has been reiterated by three Judges’



LPA-1030 of 2018 (O&M)

7

Bench in the case of *Central Industrial Security Force and Others*

VS. *Abrar Ali*; 2017 (4) SCC 507.

10. The writ petition is accordingly allowed.

**(SANJEEV PRAKASH SHARMA)
JUDGE**

**(H. S. GREWAL)
JUDGE**

**May 13, 2025
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**Whether speaking/reasoned
Whether Reportable :**

**Yes
Yes**