



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CWP-22106-2016
Date of decision: 21.07.2025

KRISHNA MALIK

.....Petitioner

VERSUS

PUNJAB NATIONAL BANK AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. K.D.S. Hooda, Advocate and
Mr. Arav Gupta, Advocate
for the petitioner.

Mr. Saurav Verma, Advocate with
Ms. Preeti Grover, Advocate
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

Seeking setting aside of the order dated 30.11.2015 communicated to the petitioner vide letter dated 08.02.2016 passed by the Appellate Authority imposing punishment of removal from service and modifying the order dated 21.10.2015 passed by the Disciplinary Authority, the instant writ petition has been filed. A further prayer has been made for setting aside the inquiry report dated 10.07.2015.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner joined the respondent-Bank on 21.11.2011 and had been working since then. It is submitted that while working as a Single Window



Operator, the petitioner was served with a charge sheet under the Vigilance category on 06.12.2014 for the following acts and omissions:-

“While working at BO: Gannaur as SWO A from 05.12.2011 till date, you are alleged to have committed the following misconduct:

You issued ATM Debit Card bearing no. 5126520214077203 without any request from the account holder and tactfully used the terminal of Sh.Ajay Kumar (SWO A, PF 315392) to enter and terminal of Sh.Kuljeet Singh Goyat (Senior Manager, PF-40926) to verify the transaction in the system (CBS) while their terminals were in login status.

2. You intentionally modified the data in the system (CBS) by committing "CUMM" menu option to change details of above account-in regard to phone no. from 9773077916 to 9773077016 using terminal of Sh.Ramesh Chandna (Head Cashier, PF-46444 and verified the same using terminal of Sh.Rama Raj (Officer, PF-326160) tactfully while the terminals were in login status.

3. You used fraudulently issued ATM Card to withdraw money from the account no.7818000400000039 of Sh.Ratan Lal Dandriyal in following eight different transactions from ATMs of HDFC & Axis Bank at Gannaur to the tune of Rs.63,000/-.

SN	Date of Transaction	Amount	Location of ATM	ATM ID	Transaction No.	Time of Transaction
1	18.03.2014	10,000	HDFC, Gannaur	SIANHR83	9733	14:14
2	18.03.2014	10,000	HDFC, Gannaur	SIANHR83	9734	14:15
3	18.03.2014	5,000	HDFC, Gannaur	SIANHR83	9736	14:16
4	19.03.2014	10,000	HDFC, Gannaur	SIANHR83	9747	16:00
5	19.03.2014	10,000	HDFC, Gannaur	SIANHR83	9748	16:01
6	19.03.2014	5,000	HDFC, Gannaur	SIANHR83	9749	16:02
7	20.03.2014	10,000	AXIS Bank, Gannaur	SPN6751	2790	10:50



8	20.03.2014	3,020	AXIS Bank, Gannaur	SPN6751	2791	10:51
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You admitted having committed the misconduct in the letter addressed to Branch Incumbent BO: Gannaur, duly witnessed by Sh.Kuljeet Singh and Sh.Rajinder Kumar on 18.04.2014, further informing therein that you have deposited the entire amount (fraudulently withdrawn as above) in the sundry account of the branch on 17.04.2014.

3. He submits that the petitioner denied the allegations leveled against her and the same being false, however, the respondents yet directed a regular departmental inquiry to be conducted in the matter. The Inquiry Officer returned a finding against the petitioner notwithstanding that the primary evidence for proving the charge against the petitioner had not been laid. It is submitted that while the specific charge of the respondents was that the petitioner had tactfully used the terminal of Ajay Kumar as well as one Kuljeet Singh Goyat to verify the transaction in the system while they were logged in, only Kuljeet Singh appeared as a witness and Ajay Kumar never appeared. He further submits that the option to change details of the Account are also alleged to have been carried out by using the terminals of Ramesh Chandna and Rama Raj, however, none of the said witnesses appeared. He thus submits that the charges thus remain unproved, yet, a finding had been recorded against the petitioner. He further submits that even though the entire amount already stands deposited with the respondents, yet, the punishment of dismissal from service has been imposed notwithstanding that the CCTV Footage, which is heavily relied upon by the respondent-Bank to prove their charge, has not been exhibited by the respondents. Hence, the



primary evidence, on the basis whereof the charge is sought to be established, has not been produced thus rendering the findings recorded by the Inquiry Officer liable to be set aside. It is also argued by the Counsel for the petitioner that the proceedings by the Inquiry Officer were conducted in a clandestine manner and without affording due opportunity to her to prove her innocence and that there has been a violation of principles of natural justice. It is thus argued that the inquiry report along with the subsequent order of dismissal from service by the punishing authority as modified to removal from service in appeal by the Appellate Authority deserve to be set aside.

4. Counsel for the respondents on the other hand vehemently argues that a charge sheet had been served upon the petitioner for committing a misconduct by preparing forged debit card and using it for receiving benefit. She had withdrawn money from account of one Ratan Lal Dandriyal to the tune of Rs. 63,000/- through six different transactions from ATMs of HDFC Bank and two different transactions from ATMs of AXIS Bank at Ganaur. The CCTV footage of the ATMs were duly examined by the Branch Manager wherein the petitioner was clearly seen misusing the ATM Card. She was confronted with the said CCTV footage whereupon she apologized and requested for a pardon. She also submitted an apology in writing on 18.04.2014 and later on also deposited the amount of Rs. 63,000/- that had been withdrawn, in sundry Account of the Branch. The apology letter was undisputedly submitted by her in her own handwriting and requires no further proof. The admission of guilt by the petitioner herself leaves no scope for her to dispute her own admission at this belated stage.



He further contends that the aforesaid admission/confession was given by her in presence of other bank officers who also witnessed the same and testified in support of the bank during the course of inquiry proceedings. The witnesses to the deposit of the Rs 63,000/- by the petitioner also testified in support of the allegations. The petitioner having acknowledged her liability and misconduct by submitting the said letter and depositing the said amount proves that she carried out the aforesaid illegal acts and severely damaged the reputation and image of the Bank. The respondent-Bank has already taken a lenient view while imposing punishment and noticing that the amount has been deposited by her and has not got a criminal case registered against her. It is further submitted that sufficient opportunity was granted to the petitioner to prove her defence and on her having failed to do the same, the Inquiry Officer returned the charges as proved against her. He further submits that there is no allegation of any malice or bias against any person, hence, there is no victimization. He further submits that the departmental proceedings are not governed by the Rules of criminal jurisprudence. The charges are seen on the basis of preponderance of probabilities and once the same is sufficiently established, the inference that flow therefrom can be lawfully drawn. An argument is also raised with respect to the limitation on a writ Court while examining departmental action and the punishment imposed upon a person. He contends that such an interference can only be made when there is an illegality, procedural impropriety or shocking disproportionality in the punishment that has been imposed. He places reliance on the judgment of this Court in the matter of ***“Amrik Dass Bhatti versus Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court-***



II, Chandigarh and another” dated 03.07.2025 passed in CWP-15140-2019 wherein this Court has specifically held that the High Court would not ordinarily sit in an appeal and substitute its opinion or punishment that has been imposed by the disciplinary authorities. He further submits that even in the said case there was a proven charge of embezzlement and the punishment of dismissal from service was upheld by this Court.

5. No other arguments have been advanced by the Counsel for the parties nor any other judgment cited.

6. It remains undisputed that the petitioner was served a charge-sheet for having withdrawn a sum of Rs. 63,000/- from the Account of Sh. Ratan Lal Dandriyal through eight different transactions. Even though the Counsel for the petitioner has made an ardent effort to dispute the charges leveled, however, it is evident from a perusal of the inquiry report that the Branch Officer Kuljeet, whose's Login Account had been used by the petitioner to verify the transaction, had stepped into the witness box to prove the charge. At the same time, even the officials in whose presence the petitioner submitted the letter of 18.04.2014, admitted to her guilt and the witnesses to the deposit of the withdrawn amount by the petitioner have also testified during the inquiry proceedings. There is no allegation that there was any bias of the said officials or that they were holding any grudge and were thus deposing falsely. Besides, there is no allegation of any procedural violation by the Inquiry Officer during the course of inquiry. It is not necessary that each and every witness needs to be examined before a charge is proved. It is the quality of the evidence and not the quantity of witnesses which is relevant for the charge. Charge being of verifying transactions



through logged in computers of the other two employees, even one witness can prove the allegations, both being witnesses for the same nature of transactions. Even otherwise micro-examination of the inquiry report is not to be done by High Court as the conclusions drawn by Inquiry Officer cannot be said to be based on no evidence or hit by Wednesbury principle.

7. Even though it has also been argued that the CCTV footage has not been shown to the petitioner, however, the testimony in chief of Management witness No.3 shows that he had specifically mentioned as under:-

“These two atm machine were of HDFC Ganaur and AXIS BANK GANUR from where atm was used by requesting the branch manager of HDFC footage was seen after seeing footage I talked to Krishna Ji and she accepted that I have done all this and she gave in writing also about this and deposited the amount of the account holder.”

8. In the cross-examination, the only question posed by the petitioner was whether the CCTV footage was currently available to which the reply was no. The said question cannot be assumed to gainsay the existence of CCTV footage or that the petitioner was never confronted with the said CCTV footage considering that the specific deposition by the Branch Manager was that he had talked to the petitioner after seeing the footage and she accepted committing the mistakes and admitting in writing about the same. No question was ever proposed or put to the Branch Manager that she had not seen or had been shown the CCTV footage, before the Branch Manager confronted the misconduct on her part. Thus, the failure



on the part of the petitioner to specifically confront the witness on a specific assertion of fact cannot be assumed by remote inference.

9. It would also be appropriate to make a reference to the findings recorded by the Inquiry Officer to the respective charges. The same are extracted as under:-

EO'S FINDINGS ON CHARGE-1

- AS PER DE-2,CARD NO 5126520214077203 WAS ISSUED ON 12.03.14
- AS PER DE-3, IT WAS ISSUED AT BO GANAUR
- AS PER DE-4,ON 12.03.14 A CARD WAS ISSUED IN A/C NO 7918000400000039
- AS PER DE-6 THE CARD WAS ISSUED UNDER THE ID OF 315392 AK AND VERIFIED BY USER ID NO 40926KS
- IN THE CHARGE, CARD NUMBER WAS GIVEN AND AS PER ABOVE DOCUMENTS IT WAS ISSUED IN THE ACCOUNT NO 7818000400000039.IT IS BASED ON SCIENTIFIC EVIDENCE IN CBS SYSTEM.AS SUCH THE CHARGE IS NOT VAGUE AT ALL.
- MW-3 HAS CATEGORICALLY STATED THAT HIS PASSWORD AND USER WAS USED BY SOMEONE ELSE. HE HAS NOT CONFIRMED WHO USED IT.IT MEANS THAT IF HE KNEW WHO USED IT THAN FRAUD WOULD HAVE BEEN DETECTED AT THE INITIAL STAGE.IT CONFIRMS THAT SOME ONE STEALED THE ATM CARD IN QUESTION AND ISSUED IT IN THE ACCOUNT AS ABOVE.WE WILL HAVE TO KNOW THE MOTIVE FOR ISSUANCE OF CARD STOLEN FROM CUSTODIAN, ISSUANCE IN THE SYSTEM BY USING SOMEONE ELSE'S USER IDS/PASSWORDS.
- IT IS ALSO EVIDENT THAT THE OFFICIALS WHOSE USER IDS/PASSWORDS WERE USED WERE NOT AWARE THAT SOMEBODY USED IT. HAD IT BEEN ISSUED BY THE PROPER



PERSONS TO PROPER PERSON IT WOULD NOT RESULTED IN FRAUDELENT USE

- THE PO HAS DISCUSSED IT BY REFERING THE EVIDENCE ADDUCED.

10. The aforesaid extract is illustrative of the depth to which the Inquiry Officer has gone while recording a finding about the charge being established or not.

11. Even otherwise, the departmental proceedings are not conducted on the burden of proof parameters as fixed in criminal proceedings. The totality of the circumstances have to be seen. The conduct of the petitioner in admitting her own guilt, depositing the amount of Rs. 63,000/- itself is sufficient contemporaneous evidence to show that the case of the respondent is well founded. Besides, the action of the petitioner in using the Login account of other persons also stands proved during the departmental proceedings as one of the lead witnesses stepped into the witness box. It thus cannot be held that the finding recorded against the petitioner is incorrect.

12. The position in law is well settled that the High Court does not sit as a Court of appeal against the departmental authorities and substitute its opinion for their own. The above position in law has been well followed by a Coordinate Bench of this Court in its judgment dated 03.07.2025 passed in CWP-15140-2019 titled as *Amrik Dass Bhatti (Supra)* delineating the scope of writ jurisdiction in matters pertaining to the disciplinary proceedings in a proven charge.



13. I find that the charge leveled against the petitioner of having issued a debit card by committing a fraud against an account of the Account holder and thereafter withdrawing the said amount for her own use is certainly a grave misconduct. A mere depositing of the amount would not amount to condoning the misconduct that has been undisputedly established against the petitioner.

14. Consequently, the present writ petition is dismissed. The order passed by the Appellate Authority dated 30.11.2015 modifying the punishment of dismissal from service to removal from service is accordingly upheld.

JULY 21, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No