



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Decision delivered on: 11.09.2024**

+ **LPA 410/2023 & CM APPL. 53223/2024**

PUNJAB AND SINDH BANKAppellants
Through: Mr. Rajat Arora, Advocate

versus

SH. RAJ KUMARRespondents
Through: Mr. G. S. Chaturvedi, Advocate

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE GIRISH KATHPALIA

J U D G M E N T (O R A L)

CM APPL. 53223/2024

1. Learned counsel for the applicant/appellant seeks permission to withdraw the present application since this Court, with the consent of counsel for the parties, has taken the appeal for final disposal. The present application is, accordingly, disposed of.

LPA 410/2023

2. By way of the present appeal filed under Clause X of the Letters Patent, the appellant has sought the following relief:



“stay the operation of the judgment dated 03.02.2023 passed by the Ld. Single Judge in WP (C) No. 11034/2017 till the disposal of the present appeal.”

3. Undisputed facts are that the respondent joined the appellant bank on 11.06.1987 and worked as a Clerk/Cashier till February, 1993. On being promoted as an Officer on 01.03.1993, he was transferred to various Branches of the Bank between 1993 to 2008.
4. The case of the respondent before the learned Single Judge was that he was instrumental in averting a fraud involving Rs.19.20 lakhs at one of the Delhi Branches of the Bank, for which he was given an Appreciation Letter. On account of his excellent track record, the respondent was promoted as Manager on 30.04.2008 and subsequently as Senior Manager in MMGS-III Scale on 12.09.2011.
5. However, the respondent was placed under suspension on 23.12.2011, due to certain allegations and on 08.09.2012, show-cause notice was served upon him, to which he filed a detailed reply. This was followed by issuance of a charge sheet on 26.09.2013, pursuant to which Departmental Inquiry was held, which culminated into punishment of ‘dismissal’ on 25.11.2014. The respondent filed an appeal against the penalty of dismissal but the same was rejected on 24.07.2015 and the Review Petition also met the same fate on 30.12.2015.
6. Being aggrieved, the respondent challenged the aforesaid orders before the learned Single Judge.



7. It is important to note that when the writ petition was pending before the learned Single Judge, the allegations, in the charge-sheet issued to the respondent, *inter alia* were that he in connivance with Shri Gurjant Singh, Officer and Shri Sukhdev Singh, Gunman and Shri Neel Kamal, Officer debited excess amounts to some irrelevant accounts on certain dates for personal gains, took away/stole certain records of the Bank, credited amounts of unavailed KCC limits to earn interest, cancelled the drafts of the customers and credited the amounts to irrelevant accounts, etc. Accordingly, Departmental proceedings were initiated against Shri Gurjant Singh and Shri Sukhdev Singh and the respondent herein, on charges being proved, the disciplinary authority imposed penalty of lowering by two stages on Shri Gurjant Singh, while Shri Sukhdev Singh was compulsorily retired. The respondent was, however, awarded the punishment of 'dismissal' from service. In the appeal before the learned Single Judge, the respondent alleged bias against one Shri Saminder Singh, respondent No.4 therein and discrimination in awarding higher punishment compared to the co-delinquents, but no relief was granted to him.

8. It is pertinent to mention that on the first date of listing of the writ petition before the learned Single Judge on 12.12.2017, the said Court had disposed of the petition by setting aside the orders dated 24.07.2015 and 30.12.2015, with a direction to the Appellate Authority to award appropriate penalty to the respondent, in light of Regulation 4 of the



Punjab and Sind Bank Officer Employees' (Discipline and Appeal) Regulations, 1981, and on principle of parity with the co-delinquents. The said order was challenged by the respondent before the Division Bench of this Court in LPA No. 708/2018 to the extent the Court had not gone into the merits of the matter, as according to the respondent, he was innocent and the charges had been wrongly proved. The said appeal was allowed and Division Bench directed the writ Court to examine the matter on all aspects.

9. The case of the respondent before the learned Single Judge was that for various reasons including his age and prolonged litigation, the respondent did not wish to pursue the case on merits of the disciplinary proceedings and restricted the challenge only to quantum of punishment, on ground of parity with co-delinquents who had been awarded lesser punishments for similar charges.

10. At that stage, learned counsel for the appellant bank stated that he could have no objection if the respondent wished to restrict his challenge to disciplinary proceedings only to the quantum of penalty and would demonstrate that there was no parity between the co-delinquents and thus no discrimination meted out to him, as alleged.

11. In view of the respondent restricting his challenge to the disciplinary action only to quantum of the punishment imposed, the learned Single Judge observed that it was not necessary to enter into the correctness or otherwise of the charges levelled and/or alleged illegalities



or irregularities in the procedure adopted during the inquiry proceedings.

12. The moot point before the learned Single Judge was to examine whether the action of the appellant bank in awarding higher punishment to the respondent compared to co-delinquents amounted to discrimination and violated Article 14 of the Constitution of India as well as the binding dictum of the Supreme Court that those equally placed and found guilty, must be treated equally, even while considering imposition of punishments.

13. The case of the respondent before the learned Single Judge was that the entire evidence before the Inquiry Officer including his report, would show that there was no evidence to prove the charges, save and except, two letters authored by the respondent and deposit of a total amount of Rs. 6,19,214/- which was, in fact, deposited under immense pressure and threats. The letters had been misread and misinterpreted by the appellant bank and the Inquiry Officer to erroneously conclude that respondent had admitted his guilt.

14. It was the further case of the respondent before the learned Single Judge that in the letter dated 02.01.2012, exhibit MEX-1A, the respondent had only stated that if during the period 30.04.2008 to 10.09.2011, when the respondent was posted as a Branch Manager, if the appellant Bank had suffered any loss, he was ready to deposit the same and had already deposited Rs. 2,00,000/-.



15. In the second undated letter, Exhibit MEX-3A, the respondent had stated that the work in the appellant Bank was new to him and not belonging to Delhi, also he had a language problem. However, categorically stated that he had not committed any mistake and was depositing a sum of Rs.4,19,214/- only on account of extreme pressure and to save his social prestige.

16. Further case of the respondent was that the contents of those letters could not be construed to mean or convey that respondent confessed or admitted the charges levelled against him. There being no other evidence, the respondent ought to have been exonerated, but was instead held guilty of the charges levelled and awarded the extreme punishment of dismissal, which was highly disproportionate.

17. Learned counsel for the respondent before the learned Single Judge submitted that the penalty of dismissal was not only disproportionate but was in the teeth of the well settled principles of parity in awarding punishments to co-delinquents in an inquiry relating to the same incident and/or allegations of connivance. All the charges levelled in the charge-sheet pertained to acts of commission or omission in 'connivance' with the co-delinquents, Shri Gurjant Singh and Shri Sukhdev Singh, relating to the same transactions/incidents and yet there was a disparity in the punishments awarded to the said three.

18. To buttress his arguments, learned counsel for the respondent before the learned Single Judge relied upon a judgment of the Supreme



Court in *Rajendra Yadav vs State of Madhya Pradesh and Others*, (2013) 3 SCC 73, wherein the Supreme Court has held that a comparatively lighter punishment on the co-delinquent and harsher punishment of dismissal on the appellant therein was unsustainable, since both were involved in the same incidents.

19. The learned Single Judge, in view of the above, observed that normally Courts did not interfere in the quantum of punishment in departmental inquiries, that being the domain of the disciplinary authority, however, this general rule was open to exceptions and in harsh cases, courts have modified the punishments. Reliance was placed on a judgment of the Supreme Court in *Umesh Kumar Pahwa vs Board of Directors Uttarakhand Gramin Bank and Others*, (2022) 4 SCC 385, wherein the Court reduced the punishment of 'removal from service' to 'compulsory retirement'.

20. The case of the appellant Bank before the learned Single Judge was that respondent had admitted his delinquency and had on his own volition deposited the money towards the loss caused to the appellant Bank. This is evident from the two letters written by the respondent, being exhibits MEX-1A and MEX-3A, wherein he confessed his guilt and undertook to deposit a total sum of Rs.6,19,214/- towards the loss caused to the appellant Bank.

21. Counsel for the appellant Bank, in view of the above, submitted that it was not open to argue that the punishment was disproportionate or



there was disparity and discrimination *viz-a-viz* the other two employees.

22. Further it was argued, *albeit* conceding that incidents and transactions were the same, that respondent could not allege any discrimination as Shri Gurjant Singh and Shri Sukhdev Singh were holding different posts and the allegations were not identical and that being a Branch Manager and overall in-charge of the Bank, respondent had higher responsibility and therefore greater culpability.

23. The issue before the learned Single Judge was to test the correctness and legality of the action of the appellant Bank in awarding the punishment of dismissal to the respondent while awarding lesser punishment to those alleged and proved to have acted in ‘connivance’.

24. The learned Single Judge referred to a judgment in the case of ***Man Singh vs State of Haryana and Others***, (2008) 12 SCC 331, wherein the Supreme Court emphasized on the requirement of fair play even while awarding penalties and punishments. The relevant paragraphs are reproduced as under:

“20. We may reiterate the settled position of law for the benefit of the administrative authorities that any act of the repository of power whether legislative or administrative or quasi-judicial is open to challenge if it is so arbitrary or unreasonable that no fair-minded authority could ever have made it. The concept of equality as enshrined in Article 14 of the Constitution of India embraces the entire realm of State action. It would extend to an individual as well not only when he is discriminated against in the matter of exercise of right, but also in the matter of imposing liability upon him. Equals have to be treated equally even in the matter of executive or administrative action. As a matter of fact, the doctrine of equality is now turned as a synonym of fairness in the concept of justice and stands as the most accepted methodology of a



governmental action. The administrative action is to be just on the test of “fair play” and reasonableness.

21. We have, therefore, examined the case of the appellant in the light of the established doctrine of equality and fair play. The principle is the same, namely, that there should be no discrimination between the appellant and HC Vijay Pal as regards the criteria of punishment of similar nature in departmental proceedings. The appellant and HC Vijay Pal were both similarly situated, in fact, HC Vijay Pal was the real culprit who, besides departmental proceedings, was an accused in the excise case filed against him by the excise staff of Andhra Pradesh for violating the excise prohibition orders operating in the State. The appellate authority exonerated HC Vijay Pal mainly on the ground of his acquittal by the criminal court in the excise case and after exoneration, he has been promoted to the higher post, whereas the appeal and the revision filed by the appellant against the order of punishment have been rejected on technical ground that he has not exercised proper and effective control over HC Vijay Pal at the time of commission of the excise offence by him in the State of Andhra Pradesh. The order of the disciplinary authority would reveal that for the last about three decades the appellant has served in the Police Department of Haryana in different capacities with unblemished record of service.

22. In the backdrop of the abovementioned facts and circumstances of the case, we are of the view that the order of the disciplinary authority imposing punishment upon the appellant for exhibiting slackness in the discharge of duties during his visit to Hyderabad when HC Vijay Pal was found involved in excise offence, as also the orders of the appellate and revisional authorities confirming the said order are unfair, arbitrary, unreasonable, unjustified and also against the doctrine of equality. The High Court has failed to appreciate and consider the precise legal questions raised by the appellant before it and dismissed the second appeal by an unreasoned judgment. The judgment of the High Court, therefore, confirming the judgments and decrees of the first appellate court and that of the trial court is not sustainable. The appellant deserves to be treated equally in the matter of departmental punishment initiated against him for the acts of omissions and commissions vis-à-vis HC Vijay Pal, the driver of the vehicle.”



25. Further, the learned Single Judge referred to the case of **Rajendra Yadav** (supra), wherein the Supreme Court observed that the doctrine of equality applies to all who are equally placed and even among those persons who are found guilty and the observation made is as follows:

“8. We have gone through the inquiry report placed before us in respect of the appellant as well as Constable Arjun Pathak. The inquiry clearly reveals the role of Arjun Pathak. It was Arjun Pathak who had demanded and received the money, though the tacit approval of the appellant was proved in the inquiry. The charge levelled against Arjun Pathak was more serious than the one charged against the appellant. Both the appellants and other two persons as well as Arjun Pathak were involved in the same incident. After having found that Arjun Pathak had a more serious role and, in fact, it was he who had demanded and received the money, he was inflicted comparatively a lighter punishment. At the same time, the appellant who had played a passive role was inflicted with a more serious punishment of dismissal from service which, in our view, cannot be sustained.

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.

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.

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.

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.”

26. In view of the above, the learned Single Judge observed that it was luminously clear that the doctrine of equality enshrined in Article 14 of the Constitution of India is not an abstract doctrine and is enforceable in Court of Law. It is applicable to all equally placed even if they are guilty and the principle of parity has to be kept in mind by the disciplinary authority tasked to decide the quantum of punishment.



27. Further it was observed that undisputedly the scope of judicial review in matters relating to imposition of punishments, awarded pursuant to disciplinary proceedings is limited, as this is the domain of the disciplinary authority, but it is equally settled that there are carve outs to this rule.

28. To strengthen the said observation, the learned Single Judge referred to a recent judgment in *Umesh Kumar Pahwa (supra)*, taking into account the fact that there was no financial loss caused to the Bank although the charges were proved in the departmental proceedings and the fact that appellant therein had worked for over 28 years, with no blemish in the said period, the Supreme Court substituted the punishment of 'removal from service' to that of 'compulsory retirement', holding the punishment awarded to be harsh and disproportionate.

29. The learned Single Judge, accordingly, observed that the charges levelled and proved against the respondent pertained to various acts of omission and commission in different portfolios of the concerned Branch of the Bank, such as failing to follow the Guidelines/Instructions with respect to working of the Bank, debiting excess amounts, crediting lesser amounts on loans and advances, siphoning of funds to other accounts for personal gains etc. in 'connivance' with Shri Gurjant Singh and Shri Sukhdev Singh.

30. The charge-sheets issued to the two co-delinquents were not on record before the learned Single Judge, however, the show cause notices



issued to them had been filed and it was not disputed that the allegations in the charge-sheets were the same as in the notices.

31. For ready reference, the learned Single Judge referred to the punishment awarded for the compulsory retirement to one of the delinquent Shri Sukhdev Singh which is reproduced as under :

“1. You in connivance with S. Gurjant Singh and Sh. Raj Kumar debited Day Book / General ledger of the Bank - Head Intt. Paid on Fixed Deposit on certain dates with higher amounts than appearing in long book. The amount excess debited to GL/Day Book was siphoned and credited to some savings accounts as stated above for getting payments subsequently for your personal gain and defrauded the bank with a sum of Rs.607594/- from this head - INTT. PAID ON FIXED DEPOSITS (As per annexure “A”) and took away/stolen the relevant Bank's record).

2. You in connivance with S. Gurjant Singh and Sh. Raj Kumar debited Day Book/General Ledger of the Bank - Head Intt. Paid on Savings Deposit on certain dates with higher amounts than appearing in long book. The amount excess debited to Day Book/GL was siphoned and credited to some saving accounts as stated above for getting payments subsequently for your personal gains and defrauded the bank with a sum of Rs. 185150/- from this head – INTT. PAID ON SAVINGS BANK DEPOSIT (As per annexure “B”) and took away/stolen the Bank's record.

3. You in connivance with S. Gurjant Singh and Sh. Raj Kumar credited lesser amount to Interest on loan and advances, out of interest charged on loan accounts (income Head of the Bank), in day book/GL on certain dates. The difference of amount less credited to income Head was siphoned and credited to some savings accounts as stated above for getting payments subsequently for your personal gains and defrauded the bank with a sum of Rs.83405/- from this head - INTT. ON LOANS AND ADVANCES (As per annexure “C”) and took away/stolen the bank's record.

4. You in connivance with S. Gurjant Singh and Sh. Raj Kumar reversed interest provisioning of 28/09/2010 on 18/10/2010, with lesser amount, and credited the same to some other Savings accounts for your personal gains and thus defrauded the bank with a sum of Rs.84000/- on 18.10.10. On 02/2/2011 you reversed



interest from various S.B. accounts amounting to Rs.92346/- and on 01/08/2011 you reversed interest from various S.B. accounts amounting to Rs.83356/-. The interest so reversed was credited to some irrelevant accounts and withdrawn fraudulently.

5. You in connivance with Gurjant Singh and Sh. Raj Kumar debited Bank Customers/Borrowers Agricultural Limits ZCC Accounts during the period 1.4.2009 to 30.09.2009 for Rs.16511/-, 01.10.2009 to 31.03.2010 for Rs.294768/-, 01.04.2010 to 30.09.2010 for Rs.79960/-, 01.10.2010 to 31.03.2011 for Rs.236179/- and 01.04.2011 to 30.09.2011 for Rs.369468/- without any authority, siphoned the same by crediting to some other irrelevant accounts for your personal gains from where you withdraw the same and thus defrauded the bank and its customers with a sum of Rs.996886/- and took away/stolen the bank's record.”

32. The charges against the respondent herein were as follows:-

“1. You in connivance with S. Gurjant Singh Officer and Sukhdev Singh Gunman and Neel Kamal Officer of the Branch debited excess amount to the Bank's Head (Intt. Paid on Fixed Deposits) and credited the excess debited amount to some irrelevant accounts on certain dates as per Annexure I, to the tune of Rs. 607594/- for your personal gains and took away/ stolen the relevant record of the bank. Further being the Incharge of the Branch, the Day Books (Day's Transaction Report) of the dates mentioned in the Annexure are checked/ signed by you.

2. You in connivance with S. Gurjant Singh officer and Sukhdev Singh Gunman of the Branch debited excess amount to Bank's Herad (Intt. Paid to Savings Bank Deposits and credited the excess debited amount to some irrelevant accounts on certain dates as per Annexure-II to the tune of Rs. 185150 for your personal gains and took away/ stolen the relevant Bank's record. SAVINGS BANK DEPOSIT (As per annexure "B") and took away/ stolen the record of the Bank. Further you being the Incharge of the Branch, the Day Books (Day's Transaction Report) of the dates mentioned in the Annexure are checked/ signed by you.

3. You in connivance with S. Gurjant Singh officer and Sukhdev Singh Gunman credited less amount to the Bank income Head INTEREST CHARGED ON LOAN AND ADVANCES) (INCOME HEAD OF BANK) and credited that amount to some irrelevant



accounts on certain dates as per Annexure III to the tune of Rs. 83405/- for your personal gains and took away/ stolen the relevant record of the Bank. Further you being the Incharge of the Branch, the Day Books (Day's Transaction Report) of the dates mentioned in the Annexure were checked/ signed by you.

4. You in connivance with Gurjant Singh Officer, Sukhdev Singh Gunman & Neel Kamal Officer debited Bank's Borrowers Agriculture loan Limits (ZCC Accounts) without any authority/ consent of the borrowers during the period 1.04.2009 to 30.09.2009 for Rs.16511/-, 1.10.2009 to 31.3.2010 for Rs. 294768/-, 1.04.2010 to 30.09.2010 for Rs.79960/-, 1.10.2010 to 31.03.2011 for Rs.236179/- and 1.04.2011 to 30.09.2011 for Rs. 369468/- as per Annexure IV to the tune of Rs. 9968866/- for your personal gains and took away/ stolen the relevant record of the Bank.

Further you being the Incharge of the Branch, the Day Books (Day's Transaction Report) of the dates mentioned in the Annexure are checked/ signed by you.”

33. After comparing and perusing the charges, the learned Single Judge was of the opinion, and rightly so, that the charges against the respondent and the two co-delinquent employees related to the same transactions/incidents and the gravamen of the allegations was the same. Pertinently, each act of omission/commission was alleged to have been committed in connivance between the three. However, the respondent was blamed for acting in connivance with Shri Gurjant Singh and Shri Sukhdev Singh, in debiting excess amounts to the appellant Bank's Head for personal gains, stealing away relevant record, crediting less amounts to the Income Head on account of interest charged on loan and advances, etc., the other two had been blamed for same acts of commission and omission, in connivance with the respondent.

34. Accordingly, the learned Single Judge was unable to find any



substantial difference in the charges levelled against the three co-delinquents, which would justify a differential treatment in punishment, save and except, that the respondent in his capacity as Bank Manager had signed the documents and/or checked the transactions in question. This by itself was not an aggravating factor of such a magnitude, which would justify one co-delinquent being sent home on compulsory retirement, remaining entitled to pensionary and terminal benefits for life and thereafter family pension to his family and the other being dismissed, entailing forfeiture of the entire past service, not only depriving him of all retiral/terminal benefits but leaving the dependents in his family in a state of penury. There could be no quarrel that in any employment, more particularly in banking sector that once an employer has loss of faith in an employee, he is entitled to and in fact is justified in dispensing with the services of such an employee, however, what is not justified is discrimination in the mode and manner of severing relationships between two charged employees held guilty of similar charges.

35. In view of the above, the learned Single Judge observed that the appellant Bank could not substantiate and justify as to why the respondent was awarded the extreme punishment of dismissal while the other two had been let off with lesser punishment. Accordingly, it was opined that 'dismissal from service' is the harshest punishment in service jurisprudence and must be awarded with great caution as it results in loss of livelihood not just for the employee, but the entire family is left to live



in a state of penury for the rest of its life, as repeatedly held by various Courts.

36. The Supreme Court in the case of *Union of India & Ors. vs Sri Sankar Prosad Ghosh & Anr.*, (2008) 5 SLR 170 observed as under:-

“12. It would be naive to say as on today that livelihood is not a part of right to life. By this time, by a large number of decisions, it has been held by the Hon'ble Supreme Court as well as High Courts in this country that livelihood is an integral facet of right to life. In this connection, a decision of the Hon'ble Supreme Court rendered in the case of State of Himachal Pradesh v. Raja Mahendra, reported in (1999) 4 SCC 43 : AIR 1999 SC 1786 may be remembered.

13. Dismissal from services undoubtedly is taking away the livelihood of a person at an advanced stage because at that stage, it is impossible for a person to get any employment elsewhere as the order of dismissal will be treated as a disqualification. Loosing a job in an establishment amounts to a civil death, as the concerned person will not be in a position to earn livelihood at the advanced stage, when all his energies and endeavours have almost come to a diminishing stage.”

37. Coming back to the present case, in the light of guiding principles laid down by the Supreme Court, the learned Single Judge has rightly found merit in the grievance ventilated by the respondent that he had not received fair treatment at the hands of the appellant Bank and while co-delinquents had been given lesser punishments, he had been awarded the harshest punishment in service jurisprudence.

38. Looking at the punishments awarded to the co-delinquents for same incidents/transactions and acts of connivance and testing the impugned action on the anvil of Article 14 of the Constitution of India as



well as keeping in mind the long and unblemished spell of service of the respondent, save and except, the learned Single Judge was inclined to convert the punishment from 'dismissal' to one of 'compulsory retirement'.

39. In view of the above discussion and the settled position of law, we find no error or perversity in the order passed by the learned Single Judge. Accordingly, we confirm the same.

40. Finding no merit in the present appeal, the same is, accordingly, dismissed alongwith all pending applications.

41. The appellant Bank is directed to comply with the order passed by the learned Single Judge within four weeks.

**(SURESH KUMAR KAIT)
JUDGE**

**(GIRISH KATHPALIA)
JUDGE**

SEPTEMBER 11, 2024/as