



2025:CGHC:20126-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 292 of 2025

Ram Krishna Soni S/o Shri Mayaram Soni Aged About 42 Years R/o Ward No. 17, House No. 1, Sheetalapara, Nawapara, Rajim, District Raipur, Chhattisgarh

... Appellant

versus

- 1** - Chairman-Cum-Managing Director National Banking Division Group, Hoshangabad, District- Hoshangabad, Madhya Pradesh.
- 2** - Appellate Authority / Deputy Manager Business Conduct And Discipline Management Section, Second Floor, Administrative Office, Byron Bazar, Raipur, District- Raipur, Chhattisgarh
- 3** - Disciplinary Officer / Regional Manager Area 05, Raipur, District Raipur, Chhattisgarh
- 4** - Chief Manager State Bank Of India, Nawapara, Rajim, District Raipur, Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellant	: Mr. Tanmay Thomas and Ms. Kavita Bansal, Advocates
For Respondents	: Mr. P.R. Patankar, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

02.05.2025

- 1.** Heard Mr. Tanmay Thomas and Ms. Kavita Bansal, learned counsel for the appellant and Mr. P.R. Patankar, learned counsel appearing for the respondents.

2. Heard on I.A. No.01/2025, which is an application for condonation of delay of 10 days has been filed by the appellant.
3. For the reasons assigned in the application (I.A. No.01/2025), the same is allowed. Delay in filing the instant appeal is hereby condoned.
4. With the consent of learned counsel for the parties, the appeal is heard finally.
5. By way of this writ appeal, appellant has prayed for following relief(s):-

“i. The Hon’ble Court may kindly be pleased to call for the entire records pertaining to the W.P.(S) No. Writ Petition (S) No.3958/2018.

ii. The Hon’ble Court may kindly be pleased to set-aside the impugned order dated 19.02.2025 (Annexure A-1) passed in Writ Petition (S) No.3958/2018.”

6. The present intra Court appeal has been filed against the order dated 19.02.2025 passed by the learned Single Judge in Writ Petition (S) No.3958/2018 (*Ram Krishna Soni v. Chairman-Cum-Managing Director and others*), whereby the writ petition filed by the appellant/writ petitioner has been dismissed.
7. Brief facts of the case, in a nutshell are that, the the appellant/writ petitioner was working as a Customer Assistant at State Bank of India, Branch Nawapara, Rajim District Gariyaband. On 17.04.2018, a lady customer of the Bank made a complaint

regarding misbehavior by bank staff i.e. the petitioner during her visit to the branch for cash deposit on 16.04.2015. After the receipt of the complaint, an inquiry was initiated by the Regional Office and Shri Abhay Joshi was appointed as Investigating Officer. The officer concerned submitted its report on 26.05.2015 and considered the following allegations against the petitioner, such as (i) Misbehavior with the customer; (ii) Misbehavior with the staff and colleagues; (iii) Sexual harassment of women employees/valued customers; (iv) Acts done to attribute delay in customer service, passing of derogatory remarks on lady customers and staff and creating a negative atmosphere in the branch affecting business/customer service; and (v) Habitual late coming and argumentative attitude and disturbing the bank's discipline. The report was handed over to the Sexual Harassment Committee constituted according to the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013". The Chairperson of the Internal Complaints Committee on Sexual Harassment submitted its report and recommended disciplinary action against the appellant/writ petitioner. On 23.06.2015, the Disciplinary Authority/Regional Manager called for an explanation on the basis of the report submitted by the Internal Complaints Committee. The appellant/writ petitioner submitted his reply on 20.07.2015. The Disciplinary Authority not being satisfied with the reply, issued an Article of Charge on 26.10.2015. The appellant/writ petitioner

submitted a reply to the Article of Charge on 18.11.2015, wherein he denied all allegations. In terms of bipartite settlement dated 10.04.2002, a departmental inquiry was initiated against the appellant/writ petitioner and it was concluded on 31.12.2016. The inquiry report was submitted before the Disciplinary Authority. The Inquiry Officer found 03 charges proved and 03 charges partially proved. The Disciplinary Authority issued a first show cause notice on 06.09.2017 and the second show cause notice on 20.09.2017. The appellant/writ petitioner submitted a reply to the show cause notices on 14.09.2017 and 25.09.2017. The Disciplinary Authority taking a sympathetic view altered the proposed punishment and vide order dated 09.10.2017 inflicted the penalty of lowering two increments from his present pay scale with cumulative effect till retirement and further penalty was inflicted to the effect that the appellant/writ petitioner would not be eligible for increment for a period of 02 years.

8. Thereafter, the appellant/writ petitioner preferred a departmental appeal before DGM (B & O), Raipur Module. The Appellate Authority vide order dated 06.04.2018 revised the punishment and inflicted the penalty of stoppage of two increments with cumulative effect.
9. Being aggrieved with the orders dated 06.04.2018 and 09.10.2017, the appellant/writ petitioner has filed a writ petition bearing Writ Petition (S) No.3958/2018 before the learned Single

Judge, praying that a direction be issued to the concerned respondent to release the illegal deduction from the salary from the appellant/writ petitioner with the interest @ 10 p.a. till the date of realization, which was dismissed vide order dated 19.02.2025.

10. Challenging the aforesaid order dated 19.02.2025 passed by the learned Single Judge in writ petition, the instant appeal has been filed by the appellant/writ petitioner.
11. Learned counsel for the appellant/writ petitioner submitted that the impugned order is illegal and bad in the eyes of law. They further submitted that the allegations made against the appellant/writ petitioner are false. It has been contended that the statements of victims were not recorded and the appellant/writ petitioner was not allowed to cross-examine those witnesses. It has been further contended that the inquiry was not conducted strictly in accordance with law and sufficient opportunity was not afforded. It has been lastly submitted that the learned Single Judge has erred in passing the impugned order, as such, the instant appeal be allowed and the impugned order dated 19.02.2025 passed by the learned Single Judge, be set-aside. Reliance has been placed upon the judgments rendered by the Hon'ble Supreme Court in the matters of ***Govt. of A.P. and others v. Venkata Raidu, (2007) 1 SCC 338, Kashinath Dikshita v. Union of India, (1986) 3 SCC 229, Union of India through its Secretary, Ministry of Railway, New Delhi and others v. Mohd. Naseem Siddiqui,***

(2005) 1 LLJ 931, State of Uttaranchal and others v. Kharak Singh, (2008) 8 SCC 236, State of Uttar Pradesh and others v. Saroj Kumar Sinha, (2010) 2 SCC 772 as well as Satyendra Singh v. State of Uttar Pradesh and another arising out of SLP (Civil) No.29758/2018 vide judgment dated 18.11.2024, to buttress his submissions.

12. On the other hand, learned counsel appearing for the respondents opposed the submissions advanced by learned counsel for the appellant/writ petitioner and submitted that there were serious allegations against the appellant/writ petitioner and out of 06 charges, 03 were found proved and 03 were found partially proved. He further submitted that there were allegations of sexual harassment, therefore, the matter was referred to the Chairperson of the Internal Complaints Committee on sexual harassment and according to its report, the allegations were found proved. It has been contended that the appellant/writ petitioner was afforded sufficient opportunity and the Article of Charge was issued to the petitioner along with the relevant documents and a list of witnesses. It has been further contended that during the course of the departmental inquiry, no objection was raised by the appellant/writ petitioner and thereafter, a notice was issued to him and Disciplinary Authority taking a lenient view inflicted the penalty of lowering two increments from his present pay scale with cumulative effect till retirement and two increments were withheld for a period of 02 years. It has been argued that the

Appellate Authority considered his appeal and taking a sympathetic view, modified the punishment and only imposed a stoppage of two increments with cumulative effect. There were serious allegations with regard to sexual harassment of women at the workplace and misbehavior with valued customers and staff and all the allegations were found proved. In support of his submissions, he placed reliance on the judgment passed by the Hon'ble Supreme Court in the matter of ***Deputy General Manager (Appellate Authority) v. Ajai Kumar Srivastava***, AIR ***ONLINE 2021 SC 38***. It has been lastly submitted that the learned Single Judge after considering all the aspects of the matter, has rightly passed impugned order dated 19.02.2025, which does not call for any interference by this Court.

13. We have heard learned counsel for the parties and perused the impugned order as well as materials available on record.
14. After appreciating the submissions of learned counsel for the parties as also the materials on record, the learned Single Judge while relying upon the judgment rendered by the Hon'ble Supreme Court in the matter of ***Ajai Kumar Srivastava*** (supra), has passed the impugned order in following terms:-

“6. In the matter of Ajai Kumar Srivastava (supra), the Hon'ble Supreme Court has held that in the matter of disciplinary inquiry, the Court is to examine and determine - (i) whether the enquiry was held by the

competent authority; (ii) whether rules and natural justice are complied with; and (iii) whether the findings or conclusions are based on some evidence and authority has the power and jurisdiction to reach findings of fact or conclusions. It is also held that the strict rules of evidence are not applicable to departmental enquiry proceedings, the only requirement of law is that the allegations against the delinquent must be established by such evidence. It is also observed that while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution, the Constitutional Court should not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of malafides or perversity. Paras- 26, 27, 28 and 29 are reproduced herein below:-

“26. When the disciplinary enquiry is conducted for the alleged misconduct against the public servant, the Court is to examine and determine: (i) whether the enquiry was held by the competent authority; (ii) whether rules of natural justice are complied with; (iii) whether the findings or conclusions are based on some evidence and authority has power and jurisdiction to reach finding of fact or conclusions.

27. It is well settled that where the enquiry officer is not the disciplinary authority, on

receiving the report of enquiry, the disciplinary authority may or may not agree with the findings recorded by the former, in case of disagreement, the disciplinary authority has to record the reasons for disagreement and after affording an opportunity of hearing to the delinquent may record his own findings if the evidence available on record be sufficient for such exercise or else to remit the case to the enquiry officer for further enquiry.

28. It is true that strict rules of evidence are not applicable to departmental enquiry proceedings. However, the only requirement of law is that the allegation against the delinquent must be established by such evidence acting upon which a reasonable person acting reasonably and with objectivity may arrive at a finding upholding the gravity of the charge against the delinquent employee. It is true that mere conjecture or surmises cannot sustain the finding of guilt even in the departmental enquiry proceedings.

29. The Constitutional Court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of malafides or perversity, i.e. where there is no evidence to support a

finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at that findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.”

7. In the present case, the Disciplinary Authority as well as the Appellate Authority have recorded a concurrent findings and found the allegations of misbehavior with customers and staff and sexual harassment of women employees and valued customers proved against the petitioner. The allegations made by the complainant with regard to sexual harassment were found partly proved. The witnesses supported the case of the prosecution.

8. The petitioner was afforded opportunity and the principles of natural justice were complied with. Show cause notices from time to time were issued and the petitioner filed a reply to those notices. The petitioner has nowhere stated in the petition that he was not permitted to cross-examine the witnesses or relevant documents were not provided.

9. The disciplinary enquiry has been conducted by the Competent Authority and there is no allegation with regard to competence of the authority. Initially, the punishment of penalty of lowering two increments from his present pay scale with

cumulative effect till retirement was imposed which was modified by the Appellate Authority to stoppage of two increments with cumulative effect, thus, the penalty inflicted is neither shocking nor disproportionate. There are no allegations with regard to malafides or perversity. The findings are based on evidence.

10. Taking into consideration the facts of the present case and the law laid down by the Hon'ble Supreme Court in the matter of Ajai Kumar Srivastava (supra), no case is made out for interference."

15. Considering the matter in its entirety and after considering the submissions made by learned counsel appearing for the parties as also perusing the impugned order, it has been reflected that the Disciplinary Authority as well as the Appellate Authority have recorded a concurrent findings and found the allegations of misbehavior with customers and staff and sexual harassment of women employees and valued customers proved against the appellant/writ petitioner. It has been further reflected that the allegations made by the complainant with regard to sexual harassment were found partly proved as the witnesses were supported the case of the prosecution. Thereafter, the appellant/writ petitioner was afforded opportunity, the principles of natural justice were complied with and show cause notices from time to time were issued and the appellant/writ petitioner filed a reply to those notices, but the appellant/writ petitioner had

nowhere stated in the writ petition that he was not permitted to cross-examine the witnesses or relevant documents were not provided.

16. From the records, it has been further reflected that the disciplinary enquiry has been conducted by the Competent Authority and there is no allegation with regard to competence of the authority. Initially, the punishment of penalty of lowering two increments from his present pay scale with cumulative effect till retirement was imposed which was modified by the Appellate Authority to stoppage of two increments with cumulative effect, thus, the penalty inflicted is neither shocking nor disproportionate.
17. Taking into account the overall facts and circumstances of the case, we are of the firm view that learned Single Judge has passed the impugned order with cogent and justifiable reasons and as such, we are not inclined to interfere with the impugned order passed by the learned Single Judge in Writ Petition (S) No.3958 of 2018 (*Ram Krishna Soni v. Chairman-Cum-Managing Director and others*).
18. In the result, the writ appeal lacks merit substance, is liable to be and is hereby dismissed.

Sd/-
(Arvind Kumar Verma)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice