

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.7358 OF 2026  
(@ SPECIAL LEAVE PETITION (C) NO.37654/2025)**

**CANARA BANK & ORS.**

**APPELLANTS**

**VERSUS**

**TAPAN KUMAR MALLICK**

**RESPONDENT**

**O R D E R**

1. Leave granted.

2. This appeal is directed against the judgment and order dated 27<sup>th</sup> August, 2025 passed by the High Court at Calcutta.

3. Respondent was an employee of the appellant-Bank<sup>1</sup>. Following disciplinary proceedings, he was dismissed from service while holding the post of Manager of the Bank. His appeal and review also came to be dismissed by orders dated 9<sup>th</sup> October, 2017 and 15<sup>th</sup> December, 2018 respectively.

4. Thereafter, the respondent challenged his dismissal in a writ petition<sup>2</sup> before the High Court. However, a Single Judge dismissed the same by a judgment and order dated 18<sup>th</sup> July, 2024 observing that it was devoid of merit.

5. While hearing an intra-court appeal<sup>3</sup> carried from the

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1 Bank  
2 WPA 22880 of 2019  
3 FMA 1112 of 2024

aforesaid judgment and order, a Division Bench of the High Court allowed the same in part *vide* the impugned judgment and order. The order of dismissal was interdicted on twin grounds, viz. (i) an investigation report favourable to the respondent, which was a part of the materials before the Inquiry Officer, had not been considered; and (ii) the punishment was shockingly disproportionate. Eventually, the Division Bench remitted the matter to the Disciplinary Authority of the respondent to reconsider the materials forming part of the inquiry including the said investigation report. The Division Bench also directed that if the respondent is proposed to be punished, any punishment other than dismissal and removal may be imposed.

6. Mr. Gautam, learned counsel for the appellants submits that non-consideration of the report, referred to by the Division Bench, pertains to Charge No.2 and has no nexus with Charge No.1. Having regard to the gravity of the imputations of misconduct forming part of Charge No.1, which stood proved, he further submits that the hands of the appellants should not have been tied so as not to order either dismissal or removal. He also submits that, in any event, punishment is a matter within the exclusive province of the Disciplinary Authority and the Division Bench ought not to have given any direction in this behalf.

7. We have heard Mr. Ravi Kumar Tomar, learned counsel for the respondent submit that the impugned judgment and

order is perfectly justified in its appreciation of the materials on record and insistence that the proportionality doctrine ought to have been borne in mind while imposing punishment on the respondent.

8. Having heard learned counsel appearing for the parties, we are of the considered opinion that the grievance of the appellants is well-founded and justified.

9. The one sentence in the impugned judgment which has left the appellants aggrieved is quoted hereunder:

“We remit the matter back to the disciplinary authority to impose any other punishment than ‘dismissal’ and ‘removal’ from service by applying the doctrine of proportionality.”

10. The Division Bench, in our view, ought not to have tied the hands of the Disciplinary Authority, such that even if Charge No.2 stands proved upon reconsideration, no order of dismissal / removal should be passed.

11. Law is well settled that courts should observe restraint while interdicting orders of punishment and that, in exercise of judicial review, no court ought to ordinarily interfere with the punishment imposed by the disciplinary authority or substitute its own judgment therefor.

12. It would, therefore, be open to the Disciplinary Authority to reconsider the materials afresh, as directed by the Division Bench, and upon applying its mind consider the questions of proof of Charge No.2 as well as the quantum of punishment to be imposed on the respondent in accordance

with law. If punishment is once again proposed to be imposed on the respondent, the Disciplinary Authority would be under an obligation to consider the years of service rendered by the respondent, his past conduct, the degree of diligence that was required of him to avert the incidents giving rise to the charges, which he did not, the extent of loss suffered by the Bank, etc.

13. We clarify not to have expressed any opinion on the merits of the rival claims.

14. With the aforesaid observations, the appeal stands disposed of.

15. Pending application(s), if any, shall stand disposed of.

16. Having regard to the lapse of time since the order of dismissal was made, we expect the Disciplinary Authority to take an expeditious decision.

.....J.  
**(DIPANKAR DATTA)**

.....J.  
**(SATISH CHANDRA SHARMA)**

**NEW DELHI;  
May 10, 2026.**

ITEM NO.50

COURT NO.8

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.37654/2025

[Arising out of impugned final judgment and order dated 27-08-2025  
in FMA No.1112/2024 passed by the High Court at Calcutta]

CANARA BANK & ORS.

Petitioners

VERSUS

TAPAN KUMAR MALLICK

Respondent

FOR ADMISSION and I.R.

I.A. No.332438/2025-EXEMPTION FROM FILING O.T.

Date : 08-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Rajesh Kumar Gautam, Adv.  
Mr. Anant Gautam, AOR  
Mr. Vibhu Sharma, Adv.  
Mr. Rishi Chauhan, Adv.  
Mr. Aman Gahlot, Adv.  
Mr. Tejasvi Goel, Adv.  
Ms. Azal Aekram, Adv.  
Ms. Likvi K Jakhalu, Adv.

For Respondent(s) :Mr. Ravi Kumar Tomar, AOR  
Mr. Narender A Kumar Sharma, Adv.  
Mr. Sanjay Yadav, Adv.  
Mr. Dinesh S. Badiar, Adv.  
Mrs. Sunita Sharma, Adv.  
Mr. Pramod Kant Saxena, Adv.  
Mr. Girdhari Lal Gupta, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. The appeal stands disposed of in terms of the signed order.

3. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)  
ASST. REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)  
COURT MASTER (NSH)

(signed order is placed on the file)