

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(S) No. 1289 of 2026**

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 Richa Kumari, D/o Binit Kumar, aged about 37 years,
 resident of Near Shiv Mandir, Gas Godwon Road,
 Hesal, Piska More, Ratu Road, P.O. Hehal, P.S.
 Sukhdeongar, District-Ranchi. **Petitioner(s)**

Versus

1. Bank of India through its Chairman-cum-Managing Director, having its office at Star House, Plot No. C-5, "G" Block, Bandra-Kurla Complex, Bandra (East), P.O. & P.S. Bandra (East), District (Maharashtra). Mumbai
2. The General Manager (HR), Bank of India, having its office at Star House, Plot No. C-5, "G" Block, Bandra-Kurla Complex, Bandra (East), P.O. & P.S. Bandra (East), District - Mumbai (Maharashtra)
3. Zonal Manager, Bank of India, Zonal Office, Pune, having its office at 162/6, Shivaji Nagar, Ganesh Khand Road, P.O. & P.S. Shivaji Nagar, District Pune (Maharashtra).
4. Zonal Manager, Bank of India, Jamshedpur Zone, having its office at Bistupur Main Road Branch, Jamshedpur P.O. & P.S. Bistupur, District - East Singhbhum (Jharkhand). **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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 For the Petitioner(s) : Mr. Mrinal Kanti Roy, Adv
 For the Respondents : Mr. Debopriya Pal, Adv
 Mr. Navneet Kumar Dhan, Adv

C.A.V. ON: 02/07/2026**PRONOUNCED ON:10/07/2026**

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioner praying therein for a direction upon the respondents to accept the resignation of the petitioner dated 10.11.2023 from the post of Senior Manager and treat the same as deemed resignation and release all statutory legally payable dues like Provident fund, Gratuity, Leave

Encashment and other legally payable dues along with statutory interest on account of the service having been rendered by the petitioner to the respondent Bank for the period between 29.01.2015 to 08.02.2024.

3. Briefly stated, the petitioner was appointed on the post of General banking Officer in Junior Management Grade-I vide annexure-1 to the writ application on 14.11.2014 and was posted in the office of the General Manager, Sakchi Branch of the Bank of India. In pursuance of such posting, the petitioner joined her service on 29.01.2015. In due course of time, the petitioner was promoted from Grade-I to Grade-II on 01.06.2019 and Grade-III on 01.04.2023. On being promoted to Grade-III, the petitioner was posted at Pune, where she joined on 09.06.2023.

Since, the petitioner could not cope up with the pressure of work at Pune, and the increasing demand of looking after her three-year old child and hence vide letter dated 10.11.2023 she resigned from the services of the Bank. The notice period of ninety days expired on 08.02.2024.

4. The grievance of the petitioner is that though the period of ninety days has expired; neither her resignation has been accepted, nor has she been paid her post-

retirement benefits for the period she remained in service.

5. As per the petitioner, after expiry of the period of ninety days i.e. on 08.02.2024; during which as per the Regulations of the Bank, the resignation letter had to be decided; however, she was served with a memorandum dated 10.01.2024 (annexure-5) seeking explanations on certain alleged irregularities during her tenure at Dehu Road branch. The said memorandum was sent on her mail on 11.01.2014 and 12.01.2024. The said memo was replied to by the petitioner on 22.01.2024.

6. It has been argued by the counsel for the petitioner that the period of ninety days, as stipulated in the service conditions, expired on 08.02.2024 and vide letter dated 08.02.2024 the respondents refused to accept the resignation of the petitioner on the ground that a disciplinary action was contemplated against her.

7. It has been contended by the petitioner that a period of more than two years has elapsed since the resignation of the petitioner; however, till date no charge sheet had been issued to her. It has been further contended that initiation of disciplinary action is said to have been set in motion on the date charge sheet has been issued to the employee.

8. Since nothing had happened for a very long period; the petitioner has served legal notice upon the respondents

for acceptance of her resignation and payment of post-retirement benefits and for the same she made a number of representations to the respondents which are annexed to the writ application.

9. Lastly it has been argued by the counsel for the petitioner that since no charge sheet was ever issued to the petitioner it cannot be said that any departmental enquiry was pending against the petitioner and since the period of ninety days, as provided in the service conditions, has expired, the respondents are bound to accept the resignation of the petitioner and issue relieving letter in her favour and pay all the post-retirement benefits to the petitioner legally payable to her.

10. It further transpires that despite time being granted to the respondents vide order dated 25.02.2026 to inform the court as to the impediments in accepting the resignation of the petitioner, no counter affidavit has been filed on behalf of the respondents.

11. It has been argued by Mr. Deopriya Pal, appearing for the Bank that a memorandum calling for an explanation had been issued to the petitioner on 21.11.2024. To support of his contention, he invites the attention of the Court to annexure-11 to the writ application and argues that since an explanation had been sought for by the respondents, the

request for resignation had rightly been rejected by the management of the respondents.

12. It was further argued that on the 90th Day i.e. on 08.02.2024, the request of the respondent had been turned down. He submitted that after the notice period, the petitioner stopped coming to office which is in violation of the service conditions and hence her request for acceptance of resignation letter has rightly been rejected.

13. Learned counsel for the petitioner, while controverting the argument of the petitioner draws attention of this Court about the fact that the Memorandum calling for an explanation, to which the respondents are referring is dated 21.11.2024 i.e. after lapse of about nine months of expiry of the notice period.

He has further submitted that this explanation was replied to by the petitioner vide annexure-12 to the writ application.

14. Heard learned counsel for the parties and perused the documents available on record. The petitioner has been successful in demonstrating that she had resigned from service on 10.11.2023. On that date, there was no departmental proceeding pending against the employee. The respondents have also not been able to indicate any document/chit of paper that any departmental proceeding

had been initiated against the petitioner even during the notice period of ninety days which expired on 08.02.2024.

15. From bare perusal of annexure-7, which is the letter by which the resignation has been rejected, it is evidently clear that the same has been rejected on the ground that disciplinary action against the petitioner is being contemplated.

16. It is well settled principles of law that no order adverse to the employee can be passed on the ground of a departmental proceeding likely to be initiated against the employee. In the instant case the respondents have failed to show that any charge sheet had been issued to the petitioner. Charge sheet is the starting point of a departmental proceeding. The Hon'ble Apex Court in the case of **SBI v. Navin Kumar**¹ has categorically held that departmental proceeding is not initiated merely by issuance of show cause notice but it is initiated only when a chargesheet is issued by placing reliance upon **UOI v. K.V. Jankiraman**² and **Coal India v. Saroj Kumar Mishra**³. For ready reference the relevant paragraph of Navin Kumar (Supra) is quoted herein below:

“19...Reiterating the view taken in K.V. Jankiraman (supra), this Court held that the departmental

¹ 2024 SCCOnLine 3369

² (1991) 4 SCC 109

³ (2007) 9 SCC 625

proceeding is not initiated merely by issuance of a show cause notice. It is initiated only when a chargesheet is issued...

20. Similarly in Coal India Ltd. v. Saroj Kumar Mishra, this Court again reiterated the legal position that a departmental proceeding is ordinarily said to be initiated only when a chargesheet is issued."

17. Thus, in the absence of any chargesheet/departmental proceeding being pending against the employee on the date of her resignation, the respondents could not have refused to accept the resignation of the petitioner.

18. Having regard to what has been discussed hereinabove; the respondents are directed to accept the resignation letter of the petitioner, issue a letter relieving the petitioner from service from the date of expiry of the notice period.

19. The respondents are further directed to pay all the post-retirement benefits like Provident Fund, Gratuity, Leave Encashment and other payable dues to the petitioner with statutory interest from the date the said amount fell due till the date of actual payment.

20. The entire exercise must be completed within a period of eight weeks from the date of receipt/production of copy of this order; failing which, the Respondent Bank shall also pay interest @ 6% per annum with quarterly rest from the date of expiry of 90 days of resignation letter i.e.

08.02.2024 till the date of actual payment. The management shall be entitled to recover the penal interest from the personal salary of the erring officer after fixing the responsibility of the same.

21. Accordingly, the instant writ application stands allowed. Pending I.A.(s), if any, also stands closed.

(Deepak Roshan, J.)

Dated:10/07/2026
Amardeep/
A.F.R

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10.07.2026