IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA No. 17540 of 2021

Shree Vijay Prakash Kumar
Vs.
The UCO Bank & Ors.

For the writ petitioner	:-	Mr. Soumya Majumder, Sr. Adv. Ms. Amrita Pandey, Adv. Mr. Chandan Choudhury, Adv.
For the bank	:-	Mr. Soumen Das, Adv.
Judgment reserved on	:-	10.06.2026
Judgment delivered on	:-	24.07.2026
Judgment uploaded on	:-	24.07.2026

Amrita Sinha, J.:-

1. The disciplinary proceeding initiated against the petitioner by the employer bank followed by the order of dismissal passed by the disciplinary authority affirmed by the appellate and the reviewing authority are impugned in the instant writ petition.

2. The petitioner was employed with the UCO Bank. He joined service on 29th August, 2011 and his due date of retirement was 31st December, 2044. In May, 2019 he was attached to the Field Inspectorate, Kolkata and was in-charge of inspection of the branches of the bank as Mobile Inspector.

3. He was directed to hold inspection of the Layek Bandh branch of the UCO Bank. One of the points which the petitioner was required to investigate was all the accounts sanctioned during the period of Mr. Abhijat Srivastav and report major irregularities. All transactions of the aforesaid employee, other staff and his spouse were to be examined and suspicious transactions to be reported.

4. The petitioner contends that he successfully completed the work of inspection and submitted a report. On perusal of the report, the Deputy General Manager observed that the same was not exhaustive and the petitioner was directed to file a complete report. In response thereto the petitioner filed an exhaustive fifty-two pages report.

5. A complaint was received from the said Mr. Abhijat Srivastav, Senior Manager at Burdwan main branch that he received phone call from a stranger demanding money to settle departmental cases pending against him. The department immediately took cognizance of the information and instructed Mr. Srivastav to keep in touch with the stranger and during the process, record the conversation and try to confirm the genuineness of the claim of the stranger.

6. The said stranger started sending copy of the letter/ notes issued by the vigilance department and copy of the note of the MD and CEO and various other inspection reports to impress upon Mr. Srivastav about his close proximity with the officials of the bank handling vital documents pertaining to the case.

7. The stranger started communicating with Mr. Srivastav through electronic mail. After sending the documents through email, the stranger negotiated for money and finally the stranger fixed a meeting with the said Mr. Srivastav at Howrah Station. A deal was fixed for a sum of rupees one lac only out of which fifty percent was to be handed over to the stranger in advance at the time of the meeting at Howrah Station.

8. All moves and conversations of Mr. Srivastav was being monitored by the department. The department approached the local police. A team of three officers from the vigilance department and two officers from the security department of the bank was constituted. The entire team reached Howrah Station and waited for the stranger to arrive. Mr. Srivastav coordinated with the team about the arrival of the stranger. The team caught the stranger red handed at the time of accepting the money from Mr. Srivastav and brought him to the head office of the security department of the bank.

9. The entire incident was reported to the Hare Street police station and on interrogation by the police the stranger revealed his identity as Mr. Guddu Kumar, a grade D staff in the Railway department. The said Mr. Guddu Kumar revealed that the petitioner was the mastermind of the entire incident and the petitioner parted with the bank documents to extort money from Mr. Srivastav. Mr. Kumar also revealed that the confidential documents of the bank were shared by the petitioner through his wife Sangita Kumari's email account. Mr. Guddu Kumar also revealed that the investigation done by one Mr. Abhishek Kumar, Manager of the bank was also shared.

10. The two officers of the bank, that is, the petitioner and Mr. Abhisek Kumar, named by Mr. Guddu Kumar at the time of interrogation, were interrogated face to face with Mr. Guddu Kumar and at that time the petitioner confessed being the mastermind of the entire sequence of crime and the petitioner also accepted that he indulged in sharing of vital and confidential documents with Mr. Guddu Kumar.

11. Mr. Srivastav lodged complaint against Mr. Guddu Kumar before the Hare Street police station. In response to the said complaint, FIR was registered against Mr. Guddu Kumar and the petitioner. The petitioner apologised for his mistake in writing before the Chief Security Officer. He declared in his confessional statement that the confession was made by him voluntarily without any pressure from any quarter.

12. By an order dated 4th July, 2019 the petitioner was put under suspension with immediate effect on contemplation of a disciplinary proceeding against him. On 9th August, 2019 a notice was issued to the petitioner asking him to submit explanation and show cause as to why suitable action would not be taken against him for sharing vital and confidential documents with a stranger for the purpose of extorting money from Mr. Abhijat Srivastav.

13. On 11th October, 2019 the statement of allegations and article of charges were forwarded to the petitioner. The explanation provided by the petitioner, being found unsatisfactory by the employer, an enquiry was directed to be conducted against him in terms of the UCO Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 as amended. On

completion of enquiry, a report was submitted by the enquiry officer on 14th August, 2020. All the allegations levelled against the petitioner were found to be proved by the enquiry officer.

14. On 29th September, 2020 the disciplinary authority passed order holding that, the act of the petitioner is very serious in nature and deserves stern punishment. The disciplinary authority was of the opinion that the petitioner mis-utilized his delegated powers and compromised with his position to share information and documents which were strictly confidential in lieu of pecuniary benefits. The disciplinary authority passed order of dismissal of the petitioner from service. The said order also mentioned that the suspension order of the petitioner stands revoked and his period of suspension shall not be treated as spent on duty and he shall not be eligible for any financial or non-financial benefit other than the subsistence allowance already paid to him.

15. Challenging the order passed by the disciplinary authority, the petitioner preferred an appeal before the appellate authority. The appeal preferred by the petitioner stood dismissed by the appellate authority on 8th December, 2020. The petitioner, thereafter, preferred a review and the review application also stood dismissed by the reviewing authority on 20th February, 2021.

16. Challenging all the aforesaid proceeding, the instant writ petition has been filed. Primary contention of the petitioner is that the disciplinary proceeding was initiated relying on a statement which was extracted from the

petitioner by putting pressure and coercion. The petitioner, by a communication dated 24th October, 2019, categorically mentioned that he was compelled to confess out of fear. All allegations against him were baseless. He mentioned about maintaining strict secrecy regarding bank affairs and never divulged any confidential information to anybody.

17. It has been submitted that the documents which have been alleged to be shared were all confidential and the same belonged to the vigilance department. The petitioner did not have any access to the documents. The petitioner contends that he has been made a scapegoat and the actual culprits have been shielded. The documents were actually sent through the email id of the wife of Mr. Guddu Kumar. The disciplinary authority failed to actually prove that the confidential information was revealed by the petitioner. Suspicion cannot be taken as a proof in the inquiry.

18. It has been argued that in the criminal proceeding lodged against Mr. Guddu Kumar and the petitioner, both the accused persons stood acquitted by the learned Chief Metropolitan Magistrate, Calcutta on 18th January, 2024 as no evidence against them could be produced by the prosecution. It has been argued that as the allegations levelled in the criminal case and the disciplinary proceeding is the same, the employer ought to recall the order of dismissal relying on the order passed by the learned criminal court.

19. The best witness that is Mr. Guddu Kumar was not produced before the disciplinary authority. In the absence of the best witness, the charges

against the petitioner cannot be held to be proved. In such a case, it has to be presumed that the disciplinary authority deliberately concealed evidence.

20. It has been submitted that once the confessional statement has been retracted by the petitioner, the same could not have been relied upon by the disciplinary authority.

21. The petitioner submits that he has been punished for an offence not disclosed in the article of charges. The disciplinary authority found that the petitioner mis-utilized his delegated powers and compromised his position for pecuniary benefits. Such was not the charge against him. On this ground alone, the order of dismissal ought to be set aside.

22. In support of all the aforesaid submissions, learned advocate for the petitioner relies on the following decisions:

(i) ***Surath Chandra Chakrabarty vs. State of West Bengal*** reported in ***(1970) 3 SCC 548*** on the principle that the charge sheeted officer ought to be provided the charges accompanied by a statement of allegations. A proper and reasonable opportunity of defending must be provided to the charge sheeted officer.

(ii) ***Narinder Mohan Arya vs. United India Insurance Company Limited & Ors.*** reported in ***(2006) 4 SCC 713*** on the point that the enquiry officer is not permitted to travel beyond the charges and punishment imposed on the basis of a finding, not the subject matter of the charges, is wholly illegal.

(iii) ***Hari Krishna Mandir Trust vs. State of Maharastra & Ors.*** reported in ***(2020) 9 SCC 356*** on the ground that the High Court under Article 226 has jurisdiction to try issues, both of fact and law.

(iv) ***Ram Lal vs. State of Rajasthan & Ors.*** reported in ***(2024) 1 SCC 175*** on the principle that the Court, in judicial review, is obliged to examine the substance of the judgment and not go by the form of expression used.

(v) ***Maharana Pratap Singh vs. State of Bihar & Ors.*** reported in ***2025 SCC Online SC 890*** on the principle that while exercising power under Article 226, the High Court does not exercise the powers available to an appellate Court. It is the decision-making process that falls for scrutiny. The High Court can rectify the errors of law or procedural irregularities, if any, that lead to manifest miscarriage of justice or breach of the principle of natural justice.

(vi) ***Jagdish Prasad Saxena vs. State of Madhya Bharat (now Madhya Pradesh)*** reported in ***AIR 1961 SC 1070: 1960 SCC Online SC 68*** on the issue that the charge sheeted officer must be allowed reasonable opportunity to meet the allegations contained in the charge sheet. The departmental enquiry is intended to give the officer a chance to meet the charge and to prove his innocence.

(vii) ***Jayanta Kumar Sikdar vs. State of West Bengal & Ors.*** reported in ***2005 SCC Online Cal 455: (2006) 1 CHN 288*** wherein the Court held that even though the technicalities of the Evidence Act do not apply to departmental proceeding, but the genuine principles emanating from the

Evidence Act must be made applicable in a departmental enquiry. The person charged must be given an opportunity to prove his innocence.

23. Learned advocate representing the bank opposes the submissions and prayers made by the petitioner. It has been submitted that the bank never lodged any complaint against the petitioner before the police. The name of the petitioner was taken by Mr. Guddu Kumar, the accused person against whom Mr. Abhijat Srivastav lodged complaint before the police.

24. It has been submitted that the petitioner clearly made a confessional statement accepting his mistake and apologised for the same. He also stated that the said statement was made without any coercion or threat from any person. The confessional statement was made on 2nd July, 2019 and the same was retracted on 24th October, 2019. The retraction was an absolute afterthought made after more than three months.

25. It has been contended that the denial of the charges by the petitioner are extremely vague and evasive. There is no specific denial of the petitioner of not sharing the confidential documents of the bank.

26. In the hearing of the enquiry proceeding held on 3rd March, 2020, the petitioner was questioned as to whether he was satisfied with the defence exhibits provided to him, on which the petitioner, through his defence representative, expressed his satisfaction with all the defence exhibits provided to him. The petitioner admitted that, all the defence exhibits were duly supplied as per his request in the last meeting.

27. The confessional statement made by the petitioner before the Chief Security Officer on 2nd July, 2019 was exhibited before the enquiry officer. The said security officer was one of the management witnesses. He was posed a question by the defence representative as to whether the petitioner was under pressure for writing and signing the letter dated 2nd July, 2019. The management witness categorically deposed before the enquiry officer that he did not think that the petitioner was under any pressure to write and sign the letter dated 2nd July, 2019.

28. The said management witness also deposed that the note regarding the synopsis of events in the matter of extortion of money by inspecting officers is a self-explanatory one. The petitioner and his defence representative accepted that there was no further requirement of any cross examination. The respondents contend that, had the petitioner required any further document, information or intended to disprove the allegations and charges levelled against him, then the petitioner and his defence representative ought to have cross examined the management witnesses further. Not going for further cross examination implies that the petitioner did not have any other point to raise, and all his issues were properly addressed before the enquiry officer at the time of recording deposition of the parties.

29. Learned advocate for the respondent also points out to the reply given by the petitioner to the question as to whether he was given adequate and full opportunity to express/ state and put on record everything related to his case, to which the petitioner replied that, he had been given full opportunity to express and state everything that he wanted to put on

record regarding his case. The petitioner deposed that he was fully satisfied at the time of hearing of the enquiry proceeding and that natural justice had been complied with.

30. Another management witness Mr. P.K. Bhaumik deposed that the letter dated 2nd July, 2019 had been signed by the petitioner himself in his presence in the evening of 2nd July, 2019. Mr. P.K. Bhaumik also put his signature at the bottom of the said letter on the said date. The said Mr. Bhaumik deposed that he did not think that the petitioner was under any pressure in writing and signing the letter dated 2nd July, 2019. The petitioner and his defence representative failed to extract anything contrary from the said witness.

31. It has been submitted that allegation of the petitioner that the bank was trying to shield and protect Mr. Abhijat Srivastav by absolving him of the charges despite reporting of serious financial irregularities against him, is an absolute false statement. It has been submitted that the bank has proceeded against Mr. Abhijat Srivastav and major penalty has been imposed upon the said officer also.

32. It has been submitted that the bank has taken steps against the petitioner strictly in accordance with law. Principles of natural justice were duly complied with. Fair and adequate opportunity of hearing was provided to the petitioner to prove his innocence which the petitioner failed to do. The bank never lodged any complaint against the petitioner before the police and there was no scope for examination or cross examination of either the

accused or the management witnesses. The bank was not a party in the subject criminal proceeding. Any order passed by the learned criminal court would not be binding upon the bank.

33. The scope of judicial review in a writ petition is extremely limited. Preponderance on probability being the touchstone in the departmental proceeding, there is no requirement of proving the allegations beyond reasonable doubt. In support of such submissions learned advocate for the respondents rely on the decision delivered by the Hon'ble Supreme Court in the matter of ***S. Janaki Iyer vs. Union of India & Ors.*** reported in ***(2025) 8 SCC 696***.

34. Reliance has also been placed on the judgment delivered by the Hon'ble Supreme Court in the matter of ***State Bank of India & Ors. vs. P. Zadenga*** reported in ***(2023) 10 SCC 675*** wherein the Court reiterated the principle that a bank officer is required to exercise higher standards of honesty and integrity.

35. The respondents also rely on the decision delivered by the Hon'ble Supreme Court in the matter of ***State of Rajasthan & Anr. vs. Heem Singh*** reported in ***(2021) 12 SCC 569*** wherein the Court reiterated that disciplinary enquiries have to abide by the rules of natural justice. They are not governed by strict rules of evidence and the standard of proof is not the strict standard governing criminal trial but is of civil standard governed by a preponderance of probabilities. The Court has a jurisdiction to interfere only when the findings in the enquiry are based on no evidence or when

they suffer from perversity. A failure to consider vital evidence would be perverse determination of facts. Interference can also be made if the penalty imposed is disproportionate. The conscience of the Court must be satisfied that there is some evidence to support the charge of misconduct and to guard against perversity. The Court cannot re-appreciate evidentiary finding in a disciplinary proceeding. The Court also held that the verdict of the criminal trial does not conclude the disciplinary enquiry.

36. Prayer has been made to dismiss the writ petition.

37. I have heard and considered the submissions made on behalf of both the parties and have perused the materials on record.

38. From the facts of the case narrated herein above it emerges that the petitioner has been charged with the allegation of divulging confidential information of the bank by mis-using his official position. The petitioner was given the responsibility to enquire into the allegation of financial corruption against another officer of the bank, namely, Mr. Abhijat Srivastav.

39. It appears that the petitioner connived with one Mr. Guddu Kumar, a railway employee to coerce the said Mr. Abhijat Srivastav, to part with one lac of rupees as a deal to settle the irregularities against him. E-mail communications from the mail id of the petitioner's wife has been traced. At the time of handing over of fifty percent of the deal amount, the said Mr. Guddu Kumar was nabbed red handed by the officers of the bank.

40. The said Mr. Abhijat Srivastav lodged a written complaint against Mr. Guddu Kumar before the police and in response to the same a criminal proceeding was initiated. At the time of interrogation by the police, Mr. Guddu Kumar named the petitioner to be the prime conspirator of the whole incident. The police arrested Mr. Guddu Kumar on 3rd July, 2019 and thereafter the petitioner was arrested on 7th July, 2019. It is evident that the petitioner was arrested only after evidence was given by Mr. Guddu Kumar against the petitioner.

41. In the criminal case Mr. Abhijat Srivastav was the complainant. At the time of adjudication of the criminal case, the de facto complainant, that is, Mr. Abhijat Srivastav did not turn up in spite of receiving summons. Only the officials of the police, that is, the seizure witness and the investigating officer deposed on behalf of the prosecution. Though the seizure witness corroborated the prosecution case, but in the cross examination he admitted that he could not recollect anything. The investigating officer, however, corroborated the prosecution case. The learned trial court held that the investigating officer is a formal witness whose evidence has only corroborative value and the same cannot substantially establish the prosecution case.

42. It will not be out of place to take note of the dates as mentioned in the judgment dated 18th January, 2024 passed by the learned Chief Metropolitan Magistrate, Calcutta in GR case no 784 of 2019 in the matter of State vs. Guddu Kumar & Anr. It appears therefrom that the date of the incident was 25th June, 2019, the FIR was registered on 2nd July, 2019,

charge sheet was filed on 22nd October, 2019, charges were framed on 10th February, 2021 and recording of evidence commenced on 10th February, 2023. By the time the seizure witness recorded his deposition, he had forgotten the incident and he failed to recollect anything about the same.

43. The bank is concerned with protecting its internal information and documents. The bank was not a party in the proceeding which emanated from the FIR lodged by Mr. Abhijat Srivastav. The complaint before the police was a private and personal allegation by Mr. Abhijat Srivastav against Mr. Guddu Kumar alleging fraudulent inducement and pressurising the complainant to pay money as per the demand of the accused person. The charges against Mr. Guddu Kumar in the criminal proceeding were under Sections 406/420/120B IPC. The charges were not in connection with any activity of the bank. Acquittal of the petitioner in the said criminal case hardly has a bearing in the disciplinary proceeding which was initiated against him with specific charges under his service regulations.

44. From the depositions made by the parties before the enquiry officer it appears that, the petitioner himself admitted that he was provided all documents that he sought for to defend himself. He was also given ample opportunity of hearing to disprove the charges levelled against him. He had adequate opportunity to cross examine the management witnesses which the petitioner did. Despite all the above, the petitioner was unable to extract any deposition or submission either from the exhibits or the witnesses from where his innocence can be inferred.

45. On the contrary, it is clear that the management witnesses have clearly deposed that the petitioner himself admitted about his confession of divulging confidential information and documents and sought for apology for his act. The letter of confession was submitted by the petitioner voluntarily without any pressure or coercion from any of the parties. Though the petitioner asserts that the confession was made out of fear that a disciplinary proceeding may be initiated against him, but the same is not enough to prove that he did not pass on the confidential information and documents to strangers to extract money.

46. It appears that the principles of natural justice were duly complied with by the disciplinary authority in the entire disciplinary proceeding. Submission of the petitioner that he was not charged with the allegation which was finally proved against him, does not appear to be proper. The article of charges is distinctly worded from where the charge against the petitioner can be clearly understood. It does not appear that the charges are either vague or not comprehensible. The charges can be clearly made out. It is for this reason that, in the entire proceeding, the petitioner never raised the allegation of issuance of a vague charge sheet against him.

47. This is also not a case where punishment has been imposed in the absence of any credible evidence. From the enquiry report and the deposition of the parties it is clear that, there is sufficient evidence against the petitioner to bring home the charges levelled against him. The evidences of the management witnesses are very clear and unambiguous. The petitioner was

unable to prove that the witnesses gave false evidence before the enquiry officer.

48. Submission of the petitioner that suspicion, no matter how high, cannot be treated as proof of guilt cannot be accepted while examining the steps taken by the authority in an in-house disciplinary proceeding. The said principle would be applicable in a criminal proceeding before the court of law where proof beyond reasonable doubt would be the determinative factor. It is settled law that, in a disciplinary proceeding, adjudication is made relying upon preponderance of probabilities. Existence of some credible evidence is enough.

49. In Surath Chandra Chakrabarty (supra) and Jagdish Prasad Saxena (supra) the Court was of the opinion that proper opportunity ought to be given to the charge sheeted officer to defend himself and the charges mentioned in the article of charges should be unambiguous and clear. In the instant case, it appears that the petitioner himself accepted that he was provided reasonable opportunity to defend himself. The charges levelled against him are understandable, without any ambiguity. Throughout the entire disciplinary proceeding, the petitioner never raised any issue with regard to the ambiguity or doubt in the article of charges.

50. Narinder Mohan Arya (supra) lays down that the disciplinary authority ought not to travel beyond the charges. In the case at hand, it does not appear that the authority travelled beyond the charges levelled against the petitioner. All along the allegation against the petitioner is that he divulged

confidential information to strangers; hence, failed to protect the interest of the bank and failed to discharge his duties honestly. The authority appears to have restricted the enquiry and the consequent action on this point only.

51. Relying on the law laid down in Hari Krishna Mandir Trust (supra) and Ram Lal (supra) the Court has perused the documents available on record and is of the considered opinion that there is no error on the part of the authority at the time of passing final order in the disciplinary proceeding. There are enough documents and materials against the petitioner to arrive at the conclusion impugned in the writ petition.

52. Maharana Pratap Singh (supra) lays down that the High Court ought not to act as an appellate authority. Keeping the said principle in mind, the Court in exercise of the power of judicial review has confined adjudication of this case to ascertain as to whether the decision-making process is in accordance with law. The Court does not find any error in the decision-making process.

53. Jayanta Kumar Sikdar (supra) and Heem Singh (supra) reiterates the settled law that in disciplinary proceeding the principle of proof beyond reasonable doubt is not required to be adhered. The proceeding is decided on the principle of preponderance of probabilities. The instant case has been decided in the same line.

54. S. Janaki Iyer (supra) deals with the necessity of complying with the principle of natural justice. It does not appear that the petitioner ever

alleged any violation of the principle of natural justice. On the contrary, the petitioner admitted that natural justice has been strictly complied with.

55. P. Zadenga (supra) highlights the requirement of exercising higher standard of honesty by the bank officials. As banks deal with public money, all employees of the bank are required to maintain the highest level of honesty and integrity. The banking system runs on the trust reposed by the public. Even slight deficit of trust may cause an irreparable dent in the entire banking system. Here, the very honesty and integrity of the petitioner has been questioned and evidence reveals that the petitioner indulged in dishonesty.

56. While exercising the power of judicial review, the Court has examined the facts, the charges against the petitioner, the depositions of the parties, the report of the enquiry officer, the order passed by the disciplinary authority, the appellate authority and the reviewing authority. It appears that there is hardly any point raised by the petitioner which has remained unanswered by the authority.

57. The order of dismissal appears to be a well-reasoned one based upon facts, figures and documents and the same does not call for any interference. The Court is convinced that the petitioner is unable to prove his innocence before the disciplinary authority and the disciplinary proceeding does not suffer from any illegality, perversity or there has been violation of principle of natural justice.

58. The writ petition, accordingly, fails and is hereby dismissed.

59. There will, however, be no order as to costs.

60. All parties to act on the basis of the server copy of this judgment duly downloaded from the official website of this Court.

61. Certified server copy of this judgment, if applied for, be supplied to the parties or their advocate on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)