2026:AHC:163241-DB

A.F.R.

Reserved on 06.07.2026

Delivered on 05.08.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 246 of 2021

Reserve Bank of India

Through its Assistant General Manager and another

…..Appellant(s)

Versus

Vijayanand Rai

…..Respondent(s)

Counsel for Appellant(s)	:	Mr. Anurag Khanna Senior Advocate, Mr. Gaurav Gautam, Mr. Mohd. Atif, Advocates.
Counsel for Respondent(s)	:	Mr. Sanjeev Singh Senior Advocate, Mr. Jiya Lal Yadav, Mr. Mushir Khan, Mr. Saurabh Singh Advocates.

<u>**Court No. - 39**</u>

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

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I.

Introduction

1. Present Special Appeal has been filed by the Reserve Bank of India (hereinafter referred to as "RBI") challenging the judgment

II.

Background Facts and departmental proceedings

2. The fact leading to this appeal is that the respondent was appointed as a Class-III employee in the RBI and was working as Assistant Word Processor at Kanpur. While he was posted in the Rajbhasha room of the RBI, an incident occurred on 13.05.2003 when a lady visited his office to meet him, was allegedly slapped by him and thereafter the respondent left the office without any information to and without permission of his senior officers. Later, the lady was identified as Ms. Munni Rai alias Meenu, who claimed to be wife of the respondent, on this a Visitor's Pass obtained from the counter, on the day of the occurrence.

3. In relation to the aforesaid incident, the RBI issued a memo dated 19.06.2003 requiring the respondent to submit his explanation. The respondent sought time to submit his reply, however no explanation was furnished by him. The respondent has cited medical urgency in his family, during that period. Later, the RBI issued the show cause notice dated 12.02.2005, to which the respondent submitted his reply dated 21.02.2005. After considering the reply filed by the respondent, the RBI proceeded to initiate action against the respondent.

(i) Charges Levelled Against the Respondent

4. The RBI has issued the first chargesheet to the respondent on 26.04.2005 under Regulations 32, 34 and 47(1) of the Reserve Bank of India (Staff) Regulations, 1948 (hereinafter referred to as the "RBI Regulation"). The allegation in the chargesheet was that on 13.05.2003, Ms. Munni Rai had visited the Rajbhasha room around 3.30 pm, to meet the respondent. She was slapped by the respondent discipline of the RBI. In the light of above, the act of the respondent was treated as violation of Regulations 32, 34 and 47(1) of the RBI Regulations, 1948.

5. Subsequently, Ms. Munni Rai made the complaint that on 16.05.2005 at about 7 pm, the respondent visited her residence where he assaulted and abused her. On the above mentioned complaint made by Ms. Munni Rai, RBI issued another show cause notice dated 30.05.2005 to the respondent. The respondent was required to submit explanation within 3 days. However, he failed to comply with the directions to submit his explanation, and therefore he was further alleged to have acted against the interest of the RBI.

6. Thereafter, the respondent submitted his reply dated 02.06.2005 denying allegations mentioned in the show cause letter dated 30.05.2005 and stated that the contents of the show cause notice dated 30.05.2005 were based on false statements. With that reply, the respondent also enclosed a notarised affidavit dated 27.06.2005 executed by Ms. Munni Rai alias Meenu. The said affidavit stated that the complaints made against the respondent regarding the incidents dated 13.05.2003 and 16.05.2005 were false and that the disputes between the parties had been amicably settled.

7. Thereafter, Ms. Munni Rai alias Meenu submitted another notarised affidavit dated 30.05.2005 in the RBI denying execution of the above mentioned notarised affidavit dated 27.05.2025. In that, she stated that she had neither entered into any compromise with the respondent nor withdrawn her complaints. She further stated that she had not signed that affidavit. She claimed to have gained knowledge of the same, from reliable sources - that it was submitted to the RBI. That document produced in her name was forged and not signed by proceedings initiated against him. The said chargesheet alleged violation of Regulations 34 and 47(1) of the RBI Regulations, 1948.

9. The second chargesheet also referred to the earlier disciplinary proceeding concluded against the respondent in the year 1997 regarding furnishing of his family particulars incorrectly and misuse of facilities provided by the bank, wherein penalty of reduction by one stage in pay-band, had been imposed upon the respondent. The respondent submitted his reply to the second chargesheet dated 08.07.2005 *vide* his letter dated 25.07.2005. Thereafter, a common departmental enquiry was conducted by Shri Ashok Kumar Gour, the Enquiry Officer in respect of both the chargesheets against the respondent.

10. During the enquiry proceedings, the RBI examined Ms. Munni Rai alias Meenu as RBI Witness No. 1 and Shri Gopal Singh, Manager, Rajbhasha, as RBI Witness No. 2. The respondent was provided opportunity to participate in the proceedings and to defend himself (as submitted by the counsel appearing for appellant). However, the respondent continuously sought permission (including through the letter dated 01.09.2005), to be represented through a legal practitioner or a retired employee. The said request was not accepted by the RBI in view of the applicable service rules, that permitted representation only in the manner prescribed therein. After completion of the proceedings, the Enquiry Officer submitted his report dated 06.11.2006.

(ii) Enquiry Report, Disciplinary and Appellate Orders

11. The Enquiry Officer, after considering the material available on record, including the oral testimony of the witnesses and also found to be corroborated by Shri Gopal Singh, Manager, Rajbhasha, who was stated to be the witness to the incident.

12. With regard to the affidavit dated 27.06.2005 produced by the respondent, the Enquiry Officer recorded that Ms. Munni Rai alias Meenu had denied execution of the said affidavit and had supported her stand through her affidavit dated 30.06.2005 and oral statement before the Enquiry Officer. On the basis of the evidence placed on record, the Enquiry Officer concluded that the respondent had not only misbehaved with a woman visiting him at the workplace, *i.e.* office premises of the RBI but had also submitted a forged notarised affidavit before RBI to mislead the disciplinary proceedings. Accordingly, the Enquiry Officer concluded that the charges contained in the first chargesheet dated 26.04.2005 and second chargesheet dated 08.07.2005 stood proved and that the respondent had violated Regulations 32, 34 and 47(1) of the RBI Regulations, 1948.

13. Relying upon the observations and finding provided in the enquiry report, the Disciplinary Authority, *i.e.,* General Manager (Banking), RBI, passed the order dated 11.05.2007 imposing penalty of dismissal from service upon the respondent under Regulation 47(1)(e) of the RBI Regulations, 1948.

14. Aggrieved by the order of dismissal passed by the Disciplinary Authority, the respondent preferred statutory appeal before the Appellate Authority, which was rejected by the order dated 06.11.2007, thereby affirming the order passed by the Disciplinary Authority.

III.

Impugned Order

set aside and directed reinstatement of the respondent with consequential benefits and costs, *vide* its judgment dated 22.01.2020

16. In the impugned order, learned single judge mainly considered three issues, *first*, whether the acts alleged against the respondent constituted misconduct under Regulations 32, 34 and 47(1) of the RBI Regulations, 1948, *second*, whether the departmental enquiry was conducted in violation of the principles of natural justice, and *third*, whether the enquiry report satisfied the requirement of being a reasoned and speaking report.

17. After due consideration, the learned single judge held that the allegations against the respondent did not constitute misconduct within the meaning of Regulations 32, 34 and 47(1) of the RBI Regulations, 1948. The learned single judge further held that the departmental enquiry was vitiated on account of violation of the principles of natural justice. There was no reliable material to reach the conclusion for any misconduct, however, the enquiry report, Disciplinary Authority and the Appellate Authority all have reached the conclusion to award maximum punishment to the respondent for allegations which were not proved and clearly had reasonable doubt for which the benefit of doubt could be given to the respondent.

18. Accordingly, by judgment dated 22.01.2020, the learned single judge allowed the writ petition, set aside the orders of dismissal dated 11.05.2007 and the appellate order dated 06.11.2007, and directed reinstatement of the respondent with all consequential benefits, and also awarded costs of Rs. 2,500/-.

IV.

Proceedings in this Special Appeal

19. Aggrieved by the judgment of the learned single judge, the

Court dated 22.09.2021 after considering the explanation for the delay in the filing given by the appellant.

20. Further, by the above mentioned order dated 22.09.2021, this Court stayed the effect and operation of the judgment of the learned single judge until the next date of listing and directed the appellant to file affidavit enclosing the minutes of the departmental enquiry. Pursuant to the aforesaid order, the affidavit was filed, interim order was extended time to time by various orders of this Court and pleadings between the parties got duly exchanged.

21. After, pleadings were completed, the Special Appeal was taken up for the final hearing on 06.07.2026 and after hearing learned counsel for the parties at length, judgment was reserved *vide* order dated 06.07.2026.

V.

Submissions on behalf of the Appellant RBI

22. Mr. Anurag Khanna, learned Senior Advocate assisted by Mr. Gaurav Gautam, learned Advocate appearing for the appellant RBI submitted that the learned single judge has committed error in interfering with the disciplinary proceedings and the punishment of dismissal imposed upon the respondent. It was contended that the findings recorded by the learned single judge were contrary to the materials available on record as well as the provisions of the RBI Regulations, 1948.

23. Proceeding further, Mr. Khanna learned Senior Advocate submitted that the respondent was guilty of misconduct inasmuch as, on 13.05.2003, he misbehaved with Ms. Munni Devi within the RBI office premises during office hours, while he was on duty, by the RBI. He argued that the learned single judge erred in treating the incident as a mere private dispute and failed to appreciate that the misconduct occurred at the RBI work place during the office hours, while the respondent was on duty, thereby directly affecting the image and interests of the RBI.

24. Developing his argument further, Mr. Khanna contended that despite repeated opportunities, the respondent failed to furnish any satisfactory explanation in respect of the incident. Thereafter, two chargesheets came to be issued alleging violation of Regulations 32, 34 and 47(1) of the Regulations, 1948. Mr. Khanna argued that the learned single judge adopted an unduly narrow interpretation of the said provisions by holding that the action of the respondent did not constitute misconduct under the Regulations. Mr. Khanna urged that Regulation 47(1), read with Regulations 32 and 34, was intended to maintain discipline and ensure that the conduct of any employee does not prejudice the interests or public image of the RBI, which is a statutory institution reposing public confidence.

25. Moving to the next charge levelled on the respondent, Mr. Khanna, learned Senior Advocate submitted that the respondent committed an independent and far more serious misconduct by producing a forged notarised affidavit dated 27.06.2005, which was presented as the affidavit executed by Ms. Munni Rai alias Meenu. Learned Senior Advocate pointed out that Ms. Munni Rai alias Meenu, by her subsequent notarised affidavit dated 30.06.2005 as well as her oral testimony before the Enquiry Officer, categorically denied having executed the earlier affidavit or having entered into any compromise with the respondent. It is, therefore, submitted that the learned single judge failed to appreciate the seriousness of the respondent's conduct in attempting to mislead the disciplinary claimed with respondent but also denied the affidavit dated 27.06.2005 produced by him in this regard. Learned Senior Advocate submitted that this fact was supported by the record. It was further submitted that adequate opportunities were provided to the respondent throughout the enquiry, however, he deliberately chose not to cross-examine Ms. Munni Rai alias Meenu despite specific opportunities being granted. The respondent also repeatedly adopted a non-cooperative attitude by remaining absent on several dates, refusing to sign the enquiry proceedings, and insisting upon representation through a legal practitioner or a retired employee, although the applicable service Regulations permitted representation only through a registered trade union representative. Continuing the submissions, learned Senior Advocate emphasized that the principles of natural justice were fully complied with and that the respondent cannot be permitted to take advantage of his own misconduct and non-cooperation.

27. In continuation of the submissions, Mr. Khanna stated that the finding of the learned single judge that the enquiry report was non-speaking was equally erroneous. Learned Senior Advocate further argued that the Enquiry Officer conducted the proceedings over as many as twenty-two sittings, considered the oral and documentary evidence led by the parties, recorded the respondent's conduct during the enquiry, analysed the charges levelled against him, and thereafter returned findings holding the charges proved. The enquiry report, according to the appellant, sufficiently discloses the basis on which the conclusions were reached and satisfies the requirement of a reasoned decision in departmental proceedings.

28. Learned Senior Advocate lastly submitted that the kind of misconduct proved against the respondent, including act of physical compelled to continue the services of an employee whose conduct was unbecoming the staff of the RBI and has resulted in loss of confidence. Mr. Khanna concluded his submission while maintaining that the direction issued by the learned single judge for reinstatement with consequential benefits is legally unsustainable.

VI.

Submissions on behalf of the Respondent

29. Opposing the submissions advanced on behalf of the Appellant, Mr. Sanjeev Singh, learned Senior Advocate assisted by Mr. Jiya Lal Yadav, learned Advocate submitted that the charges levelled against the respondent do not constitute misconduct within the meaning of Regulations 32, 34 and 47(1) of the RBI Regulations, 1948. Mr. Singh contended that the allegations arose out of a personal dispute between the respondent and Ms. Munni Rai and had no connection with the business or interests of the RBI. Mr. Singh contended that the allegation could not be treated as misconduct warranting disciplinary action under the said Regulations that too leading to the maximum punishment.

30. As per the submissions of Mr. Singh the allegation on respondent related to the incident took place on 16.05.2005, outside the RBI premises and beyond office hours and therefore, could not be treated as misconduct under the service Regulations governing the respondent.

31. In furtherance of the submissions, Mr. Singh argued that the respondent had not attempted to mislead the enquiry by submitting the affidavit dated 27.06.2005. Furthermore, learned counsel submitted that the said affidavit was produced only to bring on record that the dispute between the parties had been amicably maintenance to Munni Rai on the finding that she was not legally wedded wife of the respondent. The case filed by her before family court against the respondent clearly establishes the fact that there has been personal dispute in between Ms Munni Rai and the respondent and one cannot deny from the possibility that after signing the affidavit, she may have changed her mind and denied execution of the affidavit, to defeat its consequences. It was contended that the allegation of the affidavit being forged was unfounded as there had neither been any expert analysis of the signature on affidavit nor the notary was called as witness before whom Ms. Munni Rai appeared and signed that affidavit.

33. Learned Senior Advocate further submitted that the departmental enquiry was conducted in violation of the principles of natural justice as the respondent was not granted an effective opportunity of defence. Mr. Singh urged that the statements of the witnesses were recorded on dates of which the respondent had no proper notice. Learned Senior Advocate further submitted that the rejection of the respondent's request for representation through a legal practitioner or a retired employee further prejudiced his defence. His allegation of bias against the enquiry officer and request to change the officer was also not considered by the RBI.

34. In support of the aforesaid contention, Mr. Singh submitted that the enquiry report submitted by the Enquiry Officer was not a reasoned or speaking report, as it failed to consider the objections raised by the respondent and merely recorded conclusions without efforts to verify the evidence on record. In furtherance of the submissions, learned Senior Advocate argued that learned single judge rightly interfered with the disciplinary proceedings after finding such infirmities and analysing them in proper context.

respondent has already attained the age of superannuation in January 2022, and in the light of that he submitted that at this stage, the matter will also involve the retiral benefits to be determined after the decision on his wrongful dismissal from the service.

VII.

Points for Determination

36. Upon careful perusal of the pleadings on record, consideration of the submissions advanced by counsel representing respective parties, points that arise for determination in this Special Appeal are as under:

(i) Whether the conduct alleged against the respondent in relation to the incident dated 13.05.2003 constituted misconduct under Regulations 32, 34 and 47(1) of the RBI Regulations, 1948?

(ii) Whether the charge relating to submission of the forged notarised affidavit was established, particularly when neither the Notary was not examined nor handwriting expert report was relied to establish the signature of Ms. Munni Rai was forged?

(iii) Whether in the facts and circumstances of the case, the learned single judge was justified in exercising judicial review and interfering with the disciplinary proceedings and the consequential order of punishment?

VIII.

Discussion and Analysis

37. We have considered the submissions advanced by learned counsel appearing for the parties and have perused the material

(i) Whether the Alleged Conduct Constituted Misconduct

38. The first allegation against the respondent relates to the incident dated 13.05.2003, wherein it was alleged that Ms. Munni Rai visited the Rajbhasha room of the RBI and was slapped by the respondent, after which she was ousted from the room and the respondent also left the workplace without taking any permission.

39. The Disciplinary Authority considered the charge to be proven and the Appellate Authority, in its order, stated that as per Regulation 34, every employee is expected to be polite and behave properly with visitors and customers, whereas the Respondent had slapped a lady visitor in the RBI office premises, therefore, it was in violation of Regulation 34 of the RBI Regulations.

40. In its detail discussion, the learned single judge has recorded following in paragraph 21 of the impugned order:

> "21. *Coming to submission that inquiry report is unreasoned and non speaking and petitioner's defence has not been considered, I have already noticed that Inquiry Officer, in two paragraphs, has recorded its conclusions and having gone through the same, I do not find that defence taken by petitioner in his reply to charge sheet has been considered. If during course of oral inquiry no oral evidence was led by petitioner, that does not mean that whatever he has already submitted in defence wants no considerations. There is no discussion whatsoever with respect to defence taken by petitioner in reply to charge sheet and that aspect has not been considered. It is well settled that enquiry report must be speaking and reasoned one wherein case of both sides namely Department and employee must have been considered.*"

41. After proper application of mind, learned single judge concluded that the disciplinary as well as Appellate Authority have wrongly

1948 nor inquiry has been conducted properly by giving adequate opportunity of defence to petitioner."

42. As per appellant, the learned single judge erred in treating the incident as a purely personal dispute but it is a matter of fact that the incident occurred inside the RBI premises during working hours and involved a visitor, thereby affecting the discipline and dignity of a statutory institution like the RBI. It was also argued that such conduct by an employee amounts to misconduct within the meaning of Regulations 32, 34 and 47(1) of the Regulations, 1948. However, the respondent asserted that the incident was personal dispute between the parties and had no connection with the official duties of the respondent. Respondent's argument was that a personal dispute, which has been consistently denied, even if assumed to have occurred, cannot be simply converted into misconduct under the service Regulations without even considering objections made by the respondent regarding the enquiry.

43. For the convenience in discussion and proper appreciation of the facts and circumstances, Regulations 32, 34 and 47(1) of RBI Regulations 1948, are reproduced below:

"32. Liability to abide by the Regulations and Orders.

Every employee of the Bank shall conform to and abide by these Regulations and shall observe, comply with and obey all orders and directions which may from time to time be given to him/her by any person or persons under whose jurisdiction, superintendence or control he/she may for the time being be placed.

34. Employees to promote the Bank's interest.

Every employee shall serve the Bank honestly and faithfully and shall use his/her utmost endeavours to promote the interests of the Bank, and shall show

> *Regulations of the Bank, or who displays negligence, inefficiency or indolence, or who knowingly does anything detrimental to the interests of the Bank or in conflict with its instructions, or who commits a breach of discipline or is guilty of any other act of misconduct, shall be liable to the following penalties: -*
>
> *(a) reprimand;*
>
> *(b) delay or stoppage of increment or promotion;*
>
> *(c) degradation to a lower post or grade or to a lower stage in his incremental scale;*
>
> *(d) recovery from pay of the whole or part of any pecuniary loss caused to the Bank by the employee;*
>
> *(e) dismissal."*
>
> *(Emphasis supplied)*

44. Reading of above Regulations demonstrate that under these Regulations, misconduct includes failure to comply with Regulations, orders or directions of superior authorities, any act of negligence, inefficiency or lack of diligence in the discharge of duties. It also includes any conduct that is dishonest or detrimental to the interest of the Bank, any act that conflicts with the Bank's instructions, any breach of discipline, or any failure to serve the Bank honestly while promoting its interest and maintaining courtesy in official dealings. Any such conduct renders an employee liable to disciplinary action under Regulation 47.

45. Applying the above regulatory provisions to the facts of the present case, the charges against the respondent were that he slapped and ousted a (lady) visitor to leave the office premises, then he also left the workplace at 4 pm without informing or obtaining permission from the senior officer.

46. It is undisputed that the visitor had obtained entry pass after circumstances, the allegation relating to her, by the respondent does not fall within the scope of Regulation 34. However, both the Disciplinary Authority as well as the Appellate Authority recorded that the charges relating to the respondent's behaviour with the visitor stood proved without examining how such conduct constituted misconduct under the applicable Regulations.

47. The concept of misconduct in service jurisprudence is required to be examined in the context of the service rules governing the employee and the nature of conduct alleged against him and there has to be some nexus in between an action and the employment. Every alleged personal act of an employee cannot be treated as misconduct unless it has a nexus with the employment or affects the discipline, functioning or reputation of the employer.

48. The Supreme Court in ***Glaxo Laboratories (I) Ltd. Vs. Presiding Officer, (1984) 1 SCC 1***, has examined the importance of nexus in between action of the employee and the employment and its consideration as misconduct. The Supreme Court relied upon many judgements while reaching its conclusion.

> *"18. Reference was also made to Tata Oil Mills Co. Ltd. v. Workmen [AIR 1965 SC 155 : (1964) 7 SCR 555 : (1964) 2 LLJ 113] . This case should not detain us for a moment because the standing order with which the Court was concerned with in that case in terms provided "that without prejudice to the general meaning of the term "misconduct", it shall be deemed to mean and include, inter alia, drunkenness, fighting, riotous or disorderly or indecent behaviour within or without the factory". Mr Shanti Bhushan, however, urged that the judgment does not proceed on the construction of the expression 'without' in the relevant standing order but* ***the ratio of the decision is that purely private and***

it was urged that in the present case the charge-sheet under clauses 2(c) to 2(h) clearly and unmistakably alleged that the 'loyal workmen' were threatened with dire consequences with a view to frightening them away from responding to the duty and this provides the necessary link between the disorderly behaviour and the employment both of the assailant and victim. ***Even where a disorderly or riotous behaviour without the premises of the factory constitutes misconduct, every such behaviour unconnected with employment would not constitute misconduct within the relevant standing order. Therefore, even where the standing order is couched in a language which seeks to extend its operation far beyond the establishment, it would none the less be necessary to establish causal connection between the misconduct and the employment.*** *And that is the ratio of the decision, and not that wherever the misconduct is committed ignoring the language of the standing order if it has some impact on the employment, it would be covered by the relevant standing order. In order to avoid any ambiguity being raised in future and a controversial interpretation question being raised,* ***we must make it abundantly clear and incontrovertible that the causal connection in order to provide linkage between the alleged act of misconduct and employment must be real and substantial, immediate and proximate and not remote or tenuous.*** *An illustration would succinctly bring out the difference. One workman severely belaboured another for a (sic) duty on the next day. Would this absence permit the employer to charge the assailant for misconduct as it (sic) had on the working in the industry. The answer is in the negative. The employer cannot take advantage to weed out workmen for incidents that occurred far away from his establishment."*

(Emphasis supplied)

49. In the present case, apparently there was dispute in between Ms.

not whether the personal conduct of the respondent was proper, but whether it amounted to misconduct within the meaning and scope of the Regulations, relied upon by the RBI leading to the dismissal of the respondent.

50. The learned single judge examined the nature of the allegation and recorded a finding that the incident was essentially a personal dispute and it was also not proven in a fair enquiry. Therefore, it did not establish misconduct affecting the interests of the RBI within the meaning of Regulation 34. The view of the learned single judge is based upon sound reasoning. It cannot be said to be unreasonable or contrary to the record so may warrant interference in an intra-Court appeal. Looked in the light of the Regulations, that conduct may never fall within the meaning of a misconduct defined/falling under Regulation 32 and 34 of the Regulations. For that, the act of misconduct must either be an act committed in direct violation of an order or direction issued by the RBI or a superior officer or must involve dishonesty or unfaithfullness or discourtesy or lack of attention towards a banking or official transaction.

51. Seen in that light, the alleged act of slapping a (lady) visitor inside office premises, when the latter had come to pay a personal visit and forcing her to leave may never be described as an act of misconduct under Regulation 32, 34 or 47 of the Regulations. Yet, it may remain a condemnable act for which scope of disciplinary proceedings.

52. As to the act of leaving office without permission of superior officers, the respondent may be guilty of a misconduct as referred in Regulation 47 of the Regulation. Yet, keeping in mind that it was a

(ii) Whether the Charge of Forgery Was Proved

53. The second charge against the respondent relates to the notarised affidavit of Ms. Munni Rai, dated 27.06.2005 produced by him along with his reply dated 30.06.2005. According to the RBI, the said affidavit was shown to have been executed by Ms. Munni Rai alias Meenu, whereas she denied execution of the same and alleged that the document was forged.

54. The Respondent, in his Appeal submitted that Ms. Munni Rai had presented herself before the Notary for the affidavit, and if there was any doubt regarding the correctness of the affidavit, then the Notary and the witnesses should have been called to verify the same by the Disciplinary Authority. This stand was also taken by the respondent from the beginning that she has appeared before the Notary to sign the affidavit. For this, the Appellate Authority, in its order, stated that the burden to prove the correctness of the affidavit and the signature of Ms. Munni Rai was on the respondent, and (for RBI), the denial by Ms. Munni Rai of not having signed such affidavit was sufficient to conclude that the affidavit was forged. Admittedly, RBI did not take steps to call the Notary to verify the fact regarding her appearance before him to sign the affidavit or to send the affidavit to signature expert while the respondent has stated in reply to the chargesheet that she has appeared before Notary and signed the affidavit herself and he has not forged her signature.

55. Learned counsel appearing for the appellant submitted that Ms. Munni Rai alias Meenu appeared before the Enquiry Officer as RBI Witness No. 1 and categorically denied execution of the affidavit. It was contended that the respondent was provided an opportunity to cross-examine the said witness but he chose not to avail that the fact that the proceedings under judicial scrutiny is the proceeding resulting into the dismissal of the employee, arising from or in the context of matrimonial discord faced by him.

56. Learned counsel appearing for the respondent submitted that the allegation of forgery was a serious charge and the burden to establish the same was upon the RBI. According to learned Senior Advocate representing respondent, the RBI merely relied upon the denial of Ms. Munni Rai alias Meenu and did not produce any independent material, such as handwriting expert opinion and it did not call the Notary as witness, to establish that the affidavit was not executed by her.

57. It is settled law that the strict rules of evidence applicable to criminal proceedings do not govern departmental enquiries, however, the employer is still required to establish the charge on the basis of reliable material. The reliability of any document on which the proceedings depend does require to be proved by the employer as the burden of proving the allegation rests upon the employer, particularly where the allegation involves fabrication or use of a forged document already submitted to the employer.

58. The Supreme Court in ***State of U.P. Vs. Saroj Kumar Sinha, (2010) 2 SCC 772,*** has held that the compliance of the principles of natural justice by the enquiry officer is serious work, which is to be done in effective way. The Supreme Court observed that:

> *"28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/ disciplinary authority/ Government.* ***His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether***

> *29. Apart from the above, by virtue of Article 311(2) of the Constitution of India the departmental enquiry had to be conducted in accordance with the rules of natural justice. It is a basic requirement of the rules of natural justice that an employee be given a reasonable opportunity of being heard in any proceedings which may culminate in punishment being imposed on the employee.*
>
> *30. **When a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The inquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done.** The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/ removal from service."*

(Emphasis supplied)

59. In the present case, the finding of forgery was primarily based upon the statement of Ms. Munni Rai alias Meenu denying execution of the affidavit. That denial emerged in the backdrop of bad relationship between the parties. It had led to a dirty brawl between the parties, inside the office place of the respondent, on 13.05.2003, when the complainant who had then claimed being his wife had visited the respondent. Yet, the affidavit in issue was filed two years thereafter, on 30.06.2005. However, the RBI neither undertook any step to independently verify the disputed signature of Ms. Munni Rai, thereon, nor there was any other material brought on record to reliably establish that the affidavit had been fabricated. Merely, the oral statement of the complainant was relied with whom respondent had personal dispute. No *prima facie* disparity or difference of signature was noticed by the enquiry officer.

proposed to produce any defence witness and in that factual background, the Supreme Court held that:

> *"14. We do not find substance in the submissions made on behalf of the respondents because there is no categorical admission of the charge by the appellant. Further, a departmental charge-sheet is not a plaint that an evasive reply thereto may amount to an admission.* ***In a departmental enquiry, unless the charge is admitted, the burden to prove the charge lies on the employer/ department.*** *Here, there was no admission of guilt qua the charge. Even the High Court, in paragraph 20 of its judgment, had indicated that the writ petitioner (i.e., the appellant herein) had denied the charges made against him..."*
>
> *(Emphasis supplied)*

61. Applying the above principle, the respondent's failure to cross-examine the witness or produce defence evidence may be a relevant circumstance if it had been reasonably established that the signature on the disputed affidavit was not of Ms. Munni Rai. The employer cannot shift the initial burden of proving the charge to the respondent and say that he did not produce defence witness and that too in the circumstance when he maintained his constant stand that the affidavit was signed by Ms. Munni Rai before Notary and she had denied the same due to their personal dispute. In this circumstances, the Enquiry Officer ought to have first either call the Notary as witness or should have taken steps to verify the signature of Ms. Munni Rai, to satisfy itself that the material available on record was sufficient to establish the allegation levelled against the respondent. Even then, in the absence of *prima facie* satisfaction recorded by the Enquiry Officer that the signature on the disputed affidavit was act of Ms. Munni Rai, however the procedure accepted to reach the conclusion that the affidavit did not bear the signature of

"20. Besides, Procedure has also been faulty, inasmuch as, oral hearing commenced on 02.09.2005 whereupon on 03.09.2005 petitioner made a representation requesting for change of Inquiry Officer on the ground of bias. A copy of the said application was given to Presenting Officer but thereafter inquiry proceeded and without taking any decision on the said application, on 28.09.2005 Presenting Officer sought permission to produce witnesses. Request for change of Inquiry Officer was ultimately rejected vide order dated 09.11.2005 without giving any cogent reason. Thereafter on 20.01.2006, for the first time, Presenting Officer produced documentary evidence by way of photo copy and they were tallied with original documents. Copies of those documents were supplied to petitioner on that day only, as stated in inquiry report. On 28.06.2006, Presenting Officer produced Smt. Munni Rai as Bank's Witness-1, who proved her letter dated 11.06.2003 which was marked as Bank's Exhibit No.P-2. She also denied her signature on affidavit submitted along with letter dated 30.06.2005 and said that fact of compromise mentioned in said letter is incorrect. She also proved Bank Exhibit P-5 i.e. her letter dated 30.06.2005 whereby she claimed that affidavit dated 27.6.2005 said to have been sworn by her, is forged. Thereafter, for adducing other witness, 01.08.2006 was fixed on which date petitioner was not present in the office. Inquiry Officer fixed 02.08.2006 without giving any information to petitioner and recorded statement of a Bank Officer on 02.08.2006 itself. Therefore, petitioner did not have any opportunity to cross-examine Bank's witness PW-2 and that is how he was denied adequate opportunity of defence."

63. The finding recorded by the learned single judge regarding the enquiry and also that the charge regarding submission of the alleged forged affidavit was not satisfactorily established is correct and cannot be said to suffer from any legal infirmity and the same is based upon sound reasoning as clearly appears from the above.

warranted only where the proceedings suffer from violation of principles of natural justice, findings are based on no reliable evidence, or the conclusion recorded is such that no reasonable person could have arrived at the same. In the facts of this appeal, there is consistent doubt about the allegation, to which the respondent responded that it was made by the person having personal dispute with the respondent.

65. The Supreme Court has repeatedly held in catena of judgements that while examining disciplinary proceedings, the High Court is not required to re-appreciate the evidence or substitute its own view for that of the Disciplinary Authority but at the same time, where the finding of guilt is not supported by any reliable material or the procedure adopted causes prejudice to the delinquent employee, judicial interference would be justified.

66. The Supreme Court in ***State Bank of Bikaner & Jaipur Vs. Nemi Chand Nalwaya (2011) 4 SCC 584***, observed the following while dealing with the case of proved misconduct in disciplinary proceedings and subsequent acquittal by the Court:

> *"7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse.* ***The test to find out perversity is to see whether a***

of India [(1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44] , Union of India v. G. Ganayutham [(1997) 7 SCC 463 : 1997 SCC (L&S) 1806] , Bank of India v. Degala Suryanarayana [(1999) 5 SCC 762 : 1999 SCC (L&S) 1036] and High Court of Judicature at Bombay v. Shashikant S. Patil [(2000) 1 SCC 416 : 2000 SCC (L&S) 144] .)"

(Emphasis supplied)

67. The Supreme Court in ***Allahabad Bank Vs. Krishna Narayan Tewari, (2017) 2 SCC 308***, has analysed the scope of the interference by the High Court in disciplinary order. The Supreme Court observed that:

> *"7. We have given our anxious consideration to the submissions at the Bar. It is true that a writ court is very slow in interfering with the findings of facts recorded by a departmental authority on the basis of evidence available on record. But it is equally true that in a case where the disciplinary authority records a finding that is unsupported by any evidence whatsoever or a finding which no reasonable person could have arrived at, the writ court would be justified if not duty-bound to examine the matter and grant relief in appropriate cases.* ***The writ court will certainly interfere with disciplinary enquiry or the resultant orders passed by the competent authority on that basis if the enquiry itself was vitiated on account of violation of principles of natural justice, as is alleged to be the position in the present case. Non-application of mind by the enquiry officer or the disciplinary authority, non-recording of reasons in support of the conclusion arrived at by them are also grounds on which the writ courts are justified in interfering with the orders of punishment.*** *The High Court has, in the case at hand, found all these infirmities in the order passed by the disciplinary authority and the appellate authority. The respondent's case that the enquiry was conducted without giving a fair and*

> *material on record, simply reproduced the findings of the disciplinary authority. All told, the enquiry officer, the disciplinary authority and the appellate authority have faltered in the discharge of their duties resulting in miscarriage of justice. The High Court was in that view right in interfering with the orders passed by the disciplinary authority and the appellate authority."*
>
> *(Emphasis supplied)*

68. After carefully perusing the record and giving due consideration to the submissions advanced by the learned counsel for the respective parties, and in the light of the principles laid down by the Hon'ble Supreme Court in the above mentioned judgment, this Court is of the considered view that the indulgence was warranted in the facts and circumstances of the present case as the disciplinary enquiry was not wholly reliable, rather it may be doubtful. In any case the punishment is disproportionate, in face of such continuing doubt and the nature of occurrence, alleged *i.e.* a personal dispute, not involving official capacity or work of the respondent.

69. The Enquiry Officer is required to record findings after proper consideration of the material available on record and the enquiry report must disclose application of mind. The learned single judge, after examining complete facts and circumstances and the enquiry report, concluded that the findings were recorded without adequate reliable material and discussion on the objections or defence raised by the respondent in his letters. Learned single judge decided that the enquiry report reproduced the allegations and recorded its conclusions without dealing with the respondent's representations and objections. Such an approach cannot be considered as a reasoned enquiry report, as it neither reflects due consideration of

(iv) Proportionality of the punishment

70. In addition to the fact that disciplinary proceeding against the respondent was not fair and there was no effective compliance of the principles of natural justice, it is also a matter of fact that the alleged misconduct cannot be said to be proved as none of the allegations were falling in the Regulations mentioned in the chargesheets against the respondent.

71. The first allegation on respondent in the first chargesheet was under Regulation 34 for ousting a lady visitor (Ms. Munni Rai) after slapping her. Ms. Munni Rai has come inside the office premises after taking a visitor pass, which she has procured from the enquiry counter after claiming to be the wife of the respondent. We cannot trivialise slapping a person or underestimate the importance of discipline in an office establishment, however, the material presented before Disciplinary Authority did not establish any nexus in between the action of respondent due to which any pecuniary loss to the RBI or bringing RBI into public disrepute as she was his personal visitor with whom the respondent already had personal dispute. The allegation clearly appears to arise out of private dispute. The second allegation was regarding non-submission of an explanation also did not constitute misconduct under Regulation 32 as may result in award of heavy penalty of dismissal.

72. The second chargesheet was based upon alleged submission of forged affidavit, which in the entirety of facts discussed above cannot be said to be proved because the signature of Ms. Munni Rai was neither send for examination by any expert nor the Notary was called as witness. The departmental enquiry suffered from serious procedural infirmities. Thus, none of the allegations in either

"106. Dismissal from service is the severest form of penalty which can be inflicted on a delinquent employee in service jurisprudence. It brings the relationship of employer and employee to an end permanently, and ordinarily deprives the employee of the incidents of past service, including retiral benefits. It does not lead merely to the loss of the existing source of income for the employee but also for the dependent family members. Thus, it will have a devastating effect not only on the dismissed employee but also on all those who are dependant on the employee. Because of the severity of its impact not only on the employee but also to his dependents, the disciplinary authority must be very careful in seeking to impose the severest form of punishment of dismissal. It further carries consequences beyond immediate cessation of employment. It leaves a permanent stigma on the service record of the employee concerned, and may impair future employment prospects, particularly in public employment, statutory bodies, public sector undertakings and other regulated establishments where antecedents and service record are material. For this reason, ***dismissal must remain reserved for cases where the misconduct is of the most serious nature where elements of synthetic consideration would be undesirable and inappropriate.***

…

109. ***Even where the Regulations include dismissal as one of the permissible punishments for acts of misconduct, the authority is not relieved of its duty to consider all relevant factors to see whether the facts of the case truly warrant the most extreme form of penalty. The mere fact that a proved act falls within the broad category of "misconduct" under the Regulations does not mean that dismissal must follow as a matter of course.***

110. Dismissal is ordinarily justified where the misconduct is of such gravity that continuance of the

> *involve corruption, moral turpitude, financial misappropriation or proved loss to the employer, and where there is long service without much blemish, the disciplinary authority must carefully examine whether any lesser punishment would meet the ends of justice."*

(Emphasis supplied)

74. There is no doubt that the Regulation 47 has many kind of penalties and dismissal was the severest penalty. It is also not disputed that the respondent did not have any allegation against him for getting indulged in violence except the incident referred in the chargesheet against the lady with whom he has been claiming to have personal dispute. Having considered the complete record and giving anxious consideration to submissions made by counsel appearing for respective parties, we find that the view taken by the learned single judge regarding the enquiry report and the manner in which the findings were recorded cannot be termed as perverse or unsustainable. The appellant has failed to demonstrate any error warranting interference with the exercise of jurisdiction by the learned single judge.

75. Generally, where the authority has committed error in the proceedings, the Court would remit the matter for fresh consideration in accordance with law. However, the present case stands on a different footing as the matter had already been remanded once, yet the respondent was compelled to approach this Court again because the Disciplinary Committee has repeated similar error. The defects in the impugned decision are apparent on the face of the record, and no useful purpose would be served by directing another round of consideration. Also, the respondent has retired from service long ago, and also Ms. Munni Rai has lost her case before the Family Court. Remand made now will only make

Agarwal Vs. Arvind Kumar Singh and others, (2026) SCC OnLine SC 302. Supreme Court has observed that:

> *"14. There is no doubt about the fact that the "consider jurisprudence", so routinely adopted these days and if we may use the expression - to throw the ball out of the Court, is counterproductive and harms the system.*
>
> *15. When a claim of a right is legal and justified, relief must follow. The Constitutional or statutory remedies are not intended for academic discourse. If a case deserves relief, it must be granted then and there, unflinchingly if need be. Balancing of equities is not to be confused with avoiding or postponing the relief. These are not matters of law, but of its working and practice. Unlike law and its procedures, good practices that evolve over a period of time are far more precious than written laws, as it is in this practice that we see acceptance and internalization of the spirit of law. It is necessary to recognize, nurture and develop good practices which become habits. These habits come from the shared belief, values and attitudes that breathe vitality into rule of law. Legal culture integrates collective beliefs, fostering habits. It is necessary and in fact compelling to keep our remedies simple, effective and efficient."*

77. In ***Mahendra Prasad Agarwal (Supra)*** the Supreme Court held that if the High Court is satisfied with the merits of the matter, it shall issue clear and categorical directions for compliance. If not, it may dismiss the Writ Petition with clear and simple reasons. Applying above principle in the facts of the present case, where the relevant material is already on record, which clearly brings the conclusion, and the respondent has already crossed the age of superannuation, this Court considers it appropriate to finally adjudicate the matter.

IX

between dismissal and superannuation within three months from the date of the order. Since the respondent has already crossed the age of superannuation, no direction for reinstatement can be issued at this stage and therefore, consequential retiral benefits shall be considered by the competent authority in accordance with law within the period of three months thereafter.

(Swarupama Chaturvedi,J.)

I agree.

(Saumitra Dayal Singh,J.)

August 05, 2026
#Vikram/-