

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

**CIVIL APPEAL NO(S). 8201/2019**

**(ARISING FROM SLP(C) No. 25340/2019 @ DIARY NO.25596/2018)**

**T.P. KALLA**

**APPELLANT(S)**

**VERSUS**

**THE CHAIRMAN, UCO BANK AND ORS.**

**RESPONDENT(S)**

**O R D E R**

1. Delay condoned.

2. Leave granted.

3. The appellant was working with the respondent/Bank. The complaint was made on 11.03.1994 against him. The appellant sent a letter on 23.05.1994 to Assistant General Manager stating that a person by the name of Sunil Kumar in connivance with Mr. M.L. Golecha, Chief Manager is making drafts in large number and the same are being sold at a higher price by the said person i.e. Sunil Kumar. At the same time, public at large is being denied the facility, even the persons having their own account in the respondent/Bank. The Chief Manager threatened the appellant that he will get him dismissed from the services of the Bank. Again, a complaint was sent on 08.07.1994.

4. Ultimately, a charge-sheet was served on the appellant on 08.07.1994 in which certain charges were levelled against him of remaining absent in part of the day for two days and of using abusive language, bolting the door and talking in a loud voice with Chief Manager.

5. The case of the appellant was that no action had been taken in respect of his previous complaints alleged against the Chief Manager and he was being victimized. An Inquiry Officer was appointed and inquiry was conducted. Show cause notice was given

after the disciplinary inquiry as he was found guilty of the charges which were levelled. The Disciplinary Authority visited the appellant with a penalty of dismissal from the bank services. An appeal was filed against the penalty order dated 30.12.1995. In appeal, the order of dismissal was changed to that of removal. The order passed by the Appellate Authority and Disciplinary Authority was challenged by the appellant before the Single Judge in a writ petition before the High Court of Rajasthan, Bench at Jaipur. The Single Judge modified the punishment to withholding three annual grade increments with cumulative effect. Special Appeal was preferred before the Division Bench, the same has been allowed and the order passed by the Appellate Authority has been restored. Aggrieved thereby the appeal has been preferred.

6. Having heard learned counsel for the parties at length and considering the nature of the charges, in our opinion, in the facts and circumstances of the case, the penalty of removal was uncalled for. The Single Judge rightly interfered with the order of punishment. However, matter should have been remitted back to the Bank to pass fresh orders. By now another fifteen years have passed after passing of the order by the Single Judge. It is, thus, considered appropriate not to interfere with the order passed by the Single Judge imposing punishment of withholding three grade increments with cumulative effect. However, while we restore that order, in the facts and circumstances of the case, we deny the back-wages. Let the appellant be reinstated within one month and shall be entitled for grant of continuity in service and pay fixation etc., on the basis had he continued in service. He shall be permitted to continue till the age of superannuation and would be entitled to count the entire period for the service benefit, which may be admissible.

7. The impugned order passed by the Division Bench and that of the Disciplinary Authority are, accordingly, modified. The appeal is allowed to the aforesaid extent.

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

.....J.  
[ARUN MISHRA]

.....J.  
[M.R. SHAH]

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
OCTOBER 22, 2019.

ITEM NO.16

COURT NO.4

SECTION XV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 15314/2017

(Arising out of impugned final judgment and order dated 21-04-2017 in DBSAW No. 449/2017 passed by the High Court of Judicature for Rajasthan at Jaipur)

UCO BANK & ORS.

Petitioner(s)

VERSUS

RAVINDRA SINGH SETHI

Respondent(s)

WITH

Diary No(s). 25596/2018 (XV)

(FOR ADMISSION and I.R. and IA No.105950/2018-CONDONATION OF DELAY IN FILING, IA No. 105950/2018 - CONDONATION OF DELAY IN FILING)

Date : 22-10-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s)

Ms. Vibha Datta Makhija, Sr. Adv.  
Mr. Sarfaraz Khan, Adv.  
Mr. Mirza Amir Baig, Adv.  
Mr. Firasat Ali Siddiqui, Adv.  
Mr. Aldanish Rein, AOR

Mr. Wills Mathews, Adv.  
Mr. Rajendra Singh, Adv.  
Ms. Reena Rao, Adv.  
Mr. Ginesh P., Adv.  
Mr. Devendra Kumar Tiwari, Adv.  
Mr. Shaji Sebastian, Adv.  
Mr. Gaurav Kumar Singh, Adv.  
Mr. Paul John Edison, Adv.  
Mr. Robin Singh Sirohi, Adv.  
Mr. Jose Abraham, AOR

For Respondent(s) Mr. Shree Pal Singh, AOR  
Mr. Ram Swarup Sharma, AOR  
Mr. Sarfaraz Khan, Adv.  
Mr. Mirza Amir Baig, Adv.  
Mr. Firasat Ali Siddiqui, Adv.

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

SLP(C) No.15314/2017

We do not find any ground to interfere in the impugned judgment and order passed by the learned Single Judge, which has been affirmed by the Division Bench.

However, the imposition of costs of Rs.2,00,000/- (Rupees Two Lacs) was uncalled for. That part of the order is set aside.

The special leave petition is, accordingly, disposed of.

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

C.A. NO.....@ SLP(C) No.\_\_\_\_\_@ Diary No(s). 25596/2018

Delay condoned.

Leave granted.

In terms of the signed order, the appeal is allowed

(NARENDRA PRASAD)  
COURT MASTER

(PRADEEP KUMAR)  
COURT MASTER

(Signed order is placed on the file)