



2025:DHC:9639



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 03rd November, 2025+ W.P.(C) 16609/2025, CM APPL. 68077/2025, CM APPL. 68078/2025 & CM APPL. 68079/2025

ATUL MOHAN

.....Petitioner

Through: Mr. S.K. Chaturvedi, Adv.

versus

PUNJAB NATIONAL BANK AND ORS.

.....Respondents

Through: Mr. Rajesh Kumar Gautam,
Adv.**CORAM:****HON'BLE MR. JUSTICE AVNEESH JHINGAN****AVNEESH JHINGAN, J. (ORAL)**

1. This petition is filed seeking quashing of orders dated 11.12.2023 of the disciplinary authority and 17.09.2025 of the appellate authority, removing the petitioner from service and dismissing the appeal respectively.

2. The brief facts are that the petitioner was selected in Oriental Bank of Commerce and joined on 26.09.2011. The Oriental Bank of Commerce merged in Punjab National Bank. The petitioner absented from duty from 13.01.2020 and remained absent till the termination of service. After enquiry, the services of the petitioner were terminated on 11.12.2023. The appeal filed by the petitioner against termination was dismissed as time barred. The petitioner approached this Court and the delay was condoned. Thereafter, the petitioner filed further



grounds of appeal. On dismissal of the appeal, the present petition is filed.

3. Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized in the year 2017. There was an complication with regard to conception and on advice of the doctors from Indrapratha Apollo Hospital, the wife of the petitioner underwent surgery in June, 2019. In September, 2019, the wife of the petitioner conceived but during investigation abnormalities were detected in growth of the fetus and on 26.02.2020, the fetus was aborted. The submission is that due to this incident the petitioner was under severe anxiety and depression.

3.1 The contention is that on 20.04.2020, the petitioner sent an email expressing desire to join at Saharanpur. Thereafter again emails along with the medical documents of the wife were sent on 07.09.2020 and 25.09.2020 requesting for transfer of the petitioner from Delhi. The petitioner along with his wife in September, 2020 shifted to his in-laws at Gorakhpur for treatment. The submission is that on 18.11.2020 and 25.11.2020, the petitioner sent emails to the bank with the willingness to join the service but no response was received. On 01.03.2024, the family members of the petitioner approached the zonal office of the bank and were informed that the services of the petitioner were terminated vide order dated 11.12.2023.

3.2 It is argued that the medical evidence adduced before the appellate authority was not appreciated that the wife of the petitioner was under treatment since 2019 and the petitioner was suffering from depression. Reliance is placed upon the medical certificates dated



27.02.2024 and 30.03.2024.

3.3 The decision of the Supreme Court in ***Krushnakant B. Parmar v. Union of India (UOI) and Ors.***¹ is relied upon by the petitioner to contend that absence from duty was not willful and result of compelling circumstances, hence termination is bad.

4. Learned counsel for the respondents appears on advance notice and supports the impugned orders.

5. Heard learned counsel for the parties at length and perused pleadings with their all assistance.

6. The petitioner absented from duty since 13.01.2020. The wife of the petitioner underwent surgery in June, 2019, she conceived in September, 2019 and the fetus was aborted on 26.02.2020. The petitioner came to duty upto 12.01.2020 and then absented till termination of service on 11.12.2023. The ground set up that due to abortion of wife of the petitioner the depression and anxiety of the petitioner aggravated remains a bald statement and no medical evidence was produced in enquiry, in appeal or before this Court. The two medical certificates annexed with the writ petition and relied upon do not explain unauthorized absence from duty. The certificate dated 27.02.2024 issued by homeopathic doctor specifies that the petitioner was under treatment from 05.01.2023 to 26.02.2024. The second certificate dated 30.03.2024 states that the petitioner was under treatment from 08.03.2024. The illness of the petitioner from 13.01.2020 to 04.01.2023 remained unproved.

7. Another aspect to be considered is that the emails sent by the

¹ (2012) 3 SCC 178



petitioner were not for joining the duty at the place of posting but for transfer.

8. The contention that the petitioner was willing to join and request was sent on 18.11.2020 and 25.11.2020 remained on paper and the petitioner never joined duty in spite of the bank writing letters dated 14.02.2020, 11.11.2020, 09.06.2021, 26.07.2022 and giving final reminder dated 16.03.2023 to join duty. The conduct of petitioner was deliberate in non-joining of duty in defiance of opportunities granted. From a perusal of the email dated 20.04.2020, it is evident that it was not a request for rejoining rather a query that the petitioner is unable to join at Delhi due to non-availability of transport and can the petitioner join at nearest branch. This shows that the petitioner absented from duty and had left the station without informing the bank.

9. The appellate authority noted that the petitioner wanted transfer from his current posting for facing stress due to lack of experience in import and export work and having been posted at CTC (FX) branch. Request for transfer was made by emails dated 07.09.2020 and 11.09.2020 and medical record of the wife was also sent. In other words petitioner deliberately absented from duty, wanting a choice posting and did not rejoin at place of posting.

10. The petitioner chose not to participate in the enquiry proceedings. After supply of enquiry report even after issuance of reminders dated 06.11.2023 and 18.11.2023 no response was filed. The non-participation of petitioner in enquiry proceedings and failure to respond to enquiry report despite, grant of opportunities was due to



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mental illness remained unsubstantiated.

11. The petitioner was terminated after holding enquiry as per Regulation 6 of Punjab National Bank Officer Employees' (Discipline & Appeal) Regulations, 1977 and thereafter following the procedure as per Regulations.

12. The appellate authority has dealt with each of the ground and rightly upheld the termination order passed.

13. There is no quarrel with the proposition laid down in ***Krushnakant B. Parmar*** (supra) that unauthorized absence from duty cannot be treated as willful if it is consequent to compelling circumstances. In the case in hand, the stand of the petitioner of being sick and suffering from depression remained unsubstantiated. The petitioner rather insisted for transfer and to join duty in nearest branch rather than place of posting.

14. No case is made out for interference in writ jurisdiction as there is an unexplained deliberate absence from duty of four years.

15. The writ petition is dismissed. All pending applications stand dismissed.

AVNEESH JHINGAN, J.

NOVEMBER 03, 2025/ ha

Reportable:- Yes