



2026:DHC:250-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 7th JANUARY, 2026

IN THE MATTER OF:

+ **LPA 421/2025 & CM APPL. 38924/2025, CM APPL. 38926/2025,
CM APPL. 38927/2025**

PUNJAB AND SIND BANKAppellant

Through: Ms. Kittu Bajaj, Advocate

versus

AMARJIT SINGHRespondent

Through: Mr. Puneet K. Verma, Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

SUBRAMONIUM PRASAD, J.

1. The present Appeal has been filed on behalf of the Appellant against the Impugned Judgment dated 21.10.2024, passed by the learned Single Judge of this Court in W.P. (C) 1289/2015, allowing the Writ Petition filed by the Respondent herein assailing the charge-sheet dated 12.09.2009 and Order dated 02.02.2013, by which a penalty of withholding of pension to the extent of Rs.12,000/- per month for a period of 15 years was imposed on the Respondent herein. In the Writ Petition, the Respondent herein had also challenged the Order dated 22.04.2013 by which the Appellate Authority dismissed the Appeal filed by the Respondent herein against the penalty Order dated 02.02.2013.

2. Shorn of the unnecessary details, the facts leading to the present Appeal are:



- a) The Respondent was the Chief Manager of the Appellant Bank when he sought and was granted voluntary retirement after rendering a service of 34 years and 7 months in different positions and at different places in the Appellant Bank, and consequent thereto, he was relieved on 24.07.2008.
- b) On 15.07.2009, after over one year of retirement, a charge-sheet was issued against the Respondent, which was challenged by him in this Court on several grounds in Writ Petitioner being W.P. (C) 10968.2009 and the Petition was allowed on 21.11.2013, against which the Appeal filed by the Appellant Bank is pending.
- c) Thereafter, another charge-sheet was issued on 12.09.2009, pursuant to which the disciplinary proceedings were initiated and the Inquiry Officer ('IO') tendered his Report dated 27.10.2011 with a finding that the charges were proved against the Respondent.
- d) Further, the Petitioner submitted his Representation against the Report on 02.12.2011.
- e) Thereafter, the Chairman and Managing Director ('CMD') passed an Order on 02.02.2013 imposing the penalty of withholding of pension to the extent of Rs.12,000/- per month for 15 years but without ascertaining any alleged loss caused to the Appellant Bank.
- f) Thereafter, the Appellant filed an Appeal before the Board of Directors ('BOD') on 22.04.2013, which was duly rejected by a non-speaking Order on 25.11.2013 and subsequently, the Review Petitions filed on 26.02.2014 and 10.05.2014 suffered



the same fate and were rejected on 02.06.2014 on the ground that there was no provision to review the Order of the Appellate Authority.

- g) Thereafter, the Petitioner filed an Application under the Right to Information Act, 2005 ('RTI Act') to which a response was received on 16.06.2014 that the alleged loss suffered by the Appellant Bank was yet to be assessed. Further, *vide* Letter dated 07.08.2014, the Petitioner was informed that loss of more than Rs.20,00,00,000/- had been recovered by the Appellant Bank from Whitefield International Private Limited after filing a suit of recovery.
- h) It is these Orders being charge-sheet dated 12.09.2009, Penalty Order dated 02.02.2013 and Order dated 25.11.2013 (by which the Appellate Authority dismissed the Appeal dated 22.04.2013) which were challenged in the W.P. (C) 1289/2015, which was allowed by the learned Single Judge *vide* Judgment dated 21.10.2024.
- i) It is this Judgment dated 21.10.2024 passed by the learned Single Judge which is under challenge in the present Appeal.

3. The question before this Court in the present Appeal is whether (i) a charge-sheet issued by the General Manager of the Appellant Bank being the Disciplinary Authority envisaged under the Punjab & Sind Bank Officer Employees' (Discipline and Appeal) Regulations, 1981 ("**Discipline and Appeal Regulations**") after the retirement of an employee of the Appellant Bank, is valid, legal and within the jurisdiction of the Appellant Bank and subsequently the penalty order withholding the pension of the Appellant has



been imposed by the Competent Authority or by an Authority subordinate to the Competent Authority.

4. Learned Counsel for the Appellant submitted that Disciplinary Authority as defined under the service rules, is empowered to initiate proceedings, and only the Competent Authority can award penalties under the Punjab & Sind Bank Employees' Pension Regulations 1995 (“**Pension Regulations**”). He further submitted that the argument that only the Competent Authority can issue a charge-sheet to a retired employee is legally untenable and that the issuance of the charge-sheet is merely a procedural trigger and is not a punitive act which can be issued by any authority empowered to initiate disciplinary action, including the Disciplinary Authority or other designated official.

5. He also submits that charge-sheet is merely an intimation of allegations and initiation of inquiry. Further, the Competent Authority's role only arises at the stage of awarding punishment, if any, after following the due process. He also submitted that courts have upheld the validity of post-retirement disciplinary proceedings initiated by appropriate authorities. He states what actually matters is whether the authority was empowered under the applicable rules to initiate such proceeding.

6. Learned Counsel for the Appellant further contended that under the Discipline & Appeal Regulations, General Manager was competent to issue the charge-sheet to the Respondent herein. He also contended that issuing a charge-sheet is a procedural act, not a punitive one – that it only initiates inquiry and does not require the authority to be the Competent Authority to pass the order of penalty.

7. *Per contra* learned Counsel for the Respondent submitted that since the Respondent herein had retired, only the Pension Regulations are



applicable on the Respondent and in the case of Disciplinary Inquiry, only the procedure (Regulation 6) in the Discipline & Appeal regulations would be applicable and hence, there is only a limited application of Discipline & Appeal regulations to a retired employee.

8. Learned Counsel for the Respondent placed reliance on Regulation 45 of Pension Regulations. The same is being reproduced hereinbelow for ease of reference of:

“45. Pension guilty of grave misconduct

In a case not falling under regulation 44 if the Competent Authority considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order, follow the procedure specified in Punjab & Sind Bank Officer Employees’ (Discipline & Appeal) Regulations, 1982 or in Settlement as the case may be.”

9. He contended that the said Regulation clearly stipulates that the Competent Authority can only issue the charge sheet as the procedure of inquiry undoubtedly included issuance of charge-sheet and it is also trite law that inquiry would be deemed to be instituted only from the issuance of charge-sheet. Further, there is no provision of delegation of power in the Pension Regulations, hence, it is only the Competent Authority which can issue the charge-sheet.

10. He further submitted that the Pension Regulations do not confer any power upon the Competent Authority to act as a Disciplinary Authority. He also contended that the CMD of the Appellant Bank had issued the punishment Order dated 02.02.2013 as Disciplinary Authority and as the Competent Authority, whereas, the General Manager had already issued the charge-sheet as Disciplinary Authority.

11. Heard learned counsels for the parties and examined their contentions.



12. At this juncture, it is apposite to look into the Circular bearing No.2374 dated 20.12.1995 issued by the Appellant Bank. The same is being reproduced hereinbelow for ease of reference:

“

ANNEXURE.....

*PUNJAB & SIND BANK
(A Government of India Undertaking)*

*From
H.O. PROVIDENT FUND DEPTT
SAFDARJUNG ENCLAVE
NEW DELHI - 110029*

*To
All Branches/
Controlling offices*

Staff Circular No. 2374

Dated: 20.12.1995

All Branches / Controlling Offices.

*Reg: Punjab & Sind Bank (Employees')
Pension Regulations, 1995*

In terms of the Punjab & Sind Bank Pension (Employees') Regulations, 1995 the following Competent / Appellate Authorities have been appointed by the Board of Directors of the Bank:-

<i>S.No.</i>	<i>Category of Staff</i>	<i>Competent Authority</i>	<i>Appellate Authority</i>
<i>1.</i>	<i>Award Staff posted in Branches and Zonal Offices</i>	<i>Zonal Manager</i>	<i>DGM (P)</i>
<i>2.</i>	<i>Award Staff posted in Head Office Deptts.</i>	<i>DGM (P)</i>	<i>GM (P)</i>
<i>3.</i>	<i>Officers in Scale I, II and III</i>	<i>DGM (P)</i>	<i>GM (P)</i>



4.	<i>Officers in Scale IV and above</i>	<i>CMD</i>	<i>Board of Directors</i>
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This is for the Information of all the staff members.”

13. The Circular, admittedly governs the field. The Circular clearly stipulates that in case of officers in Scale-IV and above, the Competent Authority is the CMD, while the Board of Directors is the Appellate Authority. In view thereof, the learned Single Judge has rightly concluded that no Authority other than the CMD has the jurisdiction to issue the charge-sheet, and certainly not a subordinate officer such as the General Manager. The finding that the charge-sheet, having been issued by an authority not competent to issue the charge-sheet, was illegal and without jurisdiction is based on a correct and sound appreciation of the factual and legal position.

14. A bare perusal of the above-mentioned Circular indicates that under the Pension Regulations, the Appellant Bank had issued the said Circular prescribing the Competent Authority which has the power and jurisdiction to initiate proceedings and pass Order under Regulation 43. For ready reference Regulation 43 is reproduced hereinbelow:

“43. Withholding or withdrawal of pension

The Competent authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or criminal breach of trust or forgery or acting fraudulently or is found guilty of grave misconduct:

Provided that where a part of pension is withheld or withdrawn the amount of such pension shall not be reduced



below the minimum pension per mensem payable under these regulations.”

15. A plain reading of Regulation 43 makes it clear as day that it is only the ‘Competent Authority’ which has the power to withhold or withdraw pension or a part thereof of a pensioner if he is guilty of a serious crime or any grave misconduct and it needs no reiteration that the Appellant Bank itself understands the difference between a ‘Disciplinary Authority’ and ‘Competent Authority’ and that is why the two Regulations have separately described these Authorities, one in the context of disciplinary proceedings when an employee is in service and one in the context of Pension Regulations, when an employee has retired and is in receipt of pension, provisional or regular. Since only the Competent Authority can exercise powers under Regulation 43 and in the instant case, the charge-sheet has not been issued by the Competent Authority, the same being without jurisdiction, further proceedings thereto automatically stand vitiated.

16. The finding of the learned Single Judge that the power to withhold or withdraw pension under Regulation 43 can be exercised only by the Competent Authority i.e., the CMD, and not by any subordinate authority, does not warrant interference. Once the Pension Regulations occupy the field with respect to retired employees, the Discipline & Appeal Regulations applicable to serving employees cannot be utilized to justify any action taken against the pensioner.

17. The learned Single Judge has rightly held that Regulation 45 merely incorporates the procedure prescribed in the Discipline & Appeal Regulations for conducting an inquiry, but does not confer any substantive power upon the Disciplinary Authority to initiate such proceedings against a



retired employee. The Appellant herein has failed to point out any provision empowering the Disciplinary Authority to act against a retired officer, the conclusion that the charge-sheet was issued without jurisdiction is fully justified.

18. Accordingly, this Court finds no reason to interfere with the well-reasoned Order passed by the learned Single Judge, which warrants to be upheld.

19. This court affirms that the finding of the learned Single Judge is correct, based on a proper appreciation of the regulatory framework, and deserves to be upheld in its entirety.

20. Resultantly, the present Appeal is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

JANUARY 07, 2026

JR