



\$~4

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

+ W.P.(C) 1571/2026, CM APPL. 7635/2026

SAKSHI SHARMA

.....Petitioner

Through: Ms. Priyanka Yadav, Mr. Gulshan Kumar and Ms. Vanshika Nagpal, Advocates along with Petitioner in person.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sandeep Mahapatra, Ms. Mrinmayee Sahu, Mr. Tribhuvan and Mr. Abhimanyu, Advocates for R-1.

Ms. Praveena Gautam, Mr. Pawan Shukla, Ms. Tissy Annie Thomas and Mr. Rohan Bansla, Advocates for Bank of Baroda/R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.02.2026

%

1. The petition challenges the penalty of removal from service imposed upon the Petitioner, an officer of Bank of Baroda/Respondent No. 2, and the rejection of her departmental appeal. The gravamen is that disciplinary proceedings were allegedly unfair, the charges were vague, witnesses were not examined, and the findings are unsupported by evidence. The record, however, tells a different story.

Background and undisputed chronology



2. The Petitioner served as Officer/Manager (Branch Operations/Credit) at Navyug Market, Ghaziabad Branch from 1st November, 2017 to 27th January, 2021 and thereafter as Manager (Credit) at Abhay Khand, Ghaziabad Branch from 28th January, 2021 to 16th August, 2021.
3. On 15th July, 2022, she was placed under suspension under the applicable discipline and appeal regulations, in connection with allegations of unlawful financial gain and misappropriation through office accounts.
4. An investigation followed, and an Explanatory Note was issued highlighting multiple suspect transactions in GL/PL/office accounts of the concerned branches, seeking her response.
5. Major penalty disciplinary proceedings were initiated by memorandum dated 5th January, 2023 in terms of Regulation 5(2) read with Regulation 6(3) of the Bank of Baroda Officer Employees' (Discipline & Appeal) Regulations, 1976.
6. On 20th January, 2023, the Bank set the disciplinary process formally in motion by appointing the Inquiry Authority and the Presenting Officer. The inquiry thereafter unfolded over a series of hearings. The Petitioner remained present and participated through the course of those proceedings. After the evidentiary stage and submissions were completed, the inquiry was brought to a close on 18th April, 2023. The Presenting Officer then placed a written brief on record, and the Petitioner responded with her own written brief. Upon considering the material and the rival submissions, the Inquiry Report dated 19th June, 2023 concluded that each of the seven allegations stood proved and, on that foundation, held all five charges proved.
7. The matter then moved to the stage of penalty. By order dated 17th August, 2023, the Disciplinary Authority imposed the penalty of "*Removal*



from Bank's Service which shall not be a disqualification for future employment." The suspension period was directed to be treated as "*not spent on duty*", and recovery of INR 1,81,681/- was ordered towards the pecuniary loss attributed to the misconduct.

8. The Petitioner carried the matter in appeal. The Appellate Authority examined the charge memorandum, the Inquiry Report, the Petitioner's submissions, and the penalty order. The appeal did not find favour and was rejected by order dated 26th September, 2024. The penalty was affirmed in exercise of powers under Regulation 17.

Contentions

9. Ms. Vanshika Nagpal, counsel for the Petitioner, raises the following grounds to assail the impugned order passed by the Disciplinary Authority as well Appellate Authority:

9.1. The Bank failed to examine a single witness during the inquiry, despite the controversy involving "Maker-Checker" controls. Fixing liability solely on the Petitioner as the "Maker," without questioning the "Checkers" (Branch Head and Credit Officers) who authorized the transactions, resulted in an incomplete and biased record.

9.2. The proceedings violated the principle of *audi alteram partem*. The Petitioner was denied a genuine opportunity to produce her own witnesses or test the Bank's case through evidence, rendering the inquiry a mere formality rather than a fair hearing.

9.3. The Bank relied on transaction summaries and descriptions rather than primary documents like vouchers and supporting bills. These essential records were never properly produced or proved, depriving the Petitioner of the ability to meet the charges against her.



9.4. The alleged anomalies were of a non-financial nature. The basis upon which the Bank claims financial losses were incurred remains unclear and uncertain, despite the Petitioner raising this concern.

9.5. The Petitioner was singled out for punishment while other officers involved in the approval and verification chain faced no action. This selective targeting constitutes unequal treatment and discrimination in disciplinary action.

9.6. The Petitioner has no prior adverse record placed against her in these proceedings. In that background, the punishment is out of scale, and that the disciplinary authority did not examine whether a lesser major penalty could meet the ends of discipline, especially when the case rests substantially on documentary assertions without witness-led proof.

10. Ms. Praveena Gautam, counsel for Bank of Baroda, supports the impugned orders and submits that the Petitioner's own replies to the show cause notice furnish the most damaging link in the chain. The Petitioner has not disputed that the impugned entries were made. What is offered by way of explanation is beside the point and does not meet the substance of the charges, which concern misuse of office heads and diversion of funds in breach of settled banking controls.

11 Ms. Praveena Gautam hands over two documents during the course of hearing, comprising a tabulation of the impugned GL/PL transactions and the corresponding account-credit details relied upon by the disciplinary authority. The same are taken on record. Ms. Gautam then illustrates the submission by inviting attention to a set of transactions where debits were raised in the PL/GL accounts under the description "payment of charges to car dealers". The corresponding credits, however, are reflected not in the



name of any car dealer, but in the names of Anita Sharma, the Petitioner herself, and Deepak Kumar Sharma. Anita Sharma and Deepak Kumar Sharma, it is not disputed, are the Petitioner's parents, and it is equally not disputed that they are not engaged in the business of car dealership. On this pattern, counsel submits, the inference drawn by the disciplinary authority is neither conjectural nor excessive; it flows from the entries themselves and the Petitioner's inability to furnish a lawful, contemporaneous basis for routing such payments to her immediate family.

Analysis and findings

12. The Court has considered the pleadings, the disciplinary record as placed, and the rival submissions. The controversy must be approached with the correct lens. A writ court does not rehear a departmental inquiry, nor does it reassess the evidence as if sitting in appeal. The limited enquiry is whether the process was fair, whether the employee had a real opportunity to meet the case, whether the findings are such a reasonable authority could arrive at, and whether the conclusion is so irrational or perverse that it cannot stand.¹

13. A second principle must also be kept in view. Banking is a fiduciary calling. A bank officer handles other people's money, bank funds, and internal ledgers that exist only because the institution trusts its officers to maintain scrupulous discipline. When the charge touches integrity, misuse of office accounts, unauthorised routing of payments, or manipulation of internal heads, courts have consistently recognised that the employer is

¹ *B.C. Chaturvedi v. Union of India* (1995) 6 SCC 749; *Deputy General Manager (Appellate Authority) v. Ajai Kumar Srivastava* (2021) 2 SCC 612.



entitled to insist upon a high standard of probity.²

14. With these guardrails, the Petitioner's challenge broadly proceeds on three planks. First, the inquiry is attacked as procedurally unfair because the bank examined no witnesses and because the Petitioner alleges denial of a meaningful opportunity. Second, it is argued that the "maker-checker" framework in banking dilutes individual culpability and that the Petitioner was singled out. Third, it is urged that the findings are unsupported and the punishment is excessive.

15. The record does not support the plea of procedural unfairness. The Petitioner was served with a major penalty charge memorandum. She responded. A presenting officer and inquiry authority were appointed. Hearings were held on several dates. The Petitioner participated. Written briefs were filed by both sides. The inquiry report was rendered with allegation-wise findings and charge-wise conclusions. Thereafter the disciplinary authority issued a reasoned penalty order. The appeal was considered with reference to the inquiry material and the Petitioner's grounds. The process therefore shows the essential elements of fairness in departmental adjudication: notice, disclosure of material relied upon, an opportunity to respond, and a reasoned decision.

16. The Petitioner emphasises that no management witnesses were examined, and that officials in the checking chain were not produced. That submission sounds attractive at first blush, yet it cannot be treated as a rule of invalidation. Departmental proceedings are not controlled by the strict rules of the Evidence Act. The question is whether the delinquent officer

² *Chairman and Managing Director, United Commercial Bank and Ors. v. P.C. Kakkar* (2003) 4 SCC 364; *Union Bank of India v. Vishwa Mohan* (1998) 4 SCC 310.



knew the case, had access to the material relied upon, and had a fair chance to answer it. Where the case is built primarily on documentary trails generated within the banking system itself, the absence of oral witnesses is not, by itself, fatal, unless prejudice is shown. The Supreme Court has repeatedly held that a procedural lapse must be shown to have caused real prejudice before the Court sets aside a disciplinary outcome.³

17. Turning to the merits, the record discloses that the finding against the Petitioner is based on cogent evidence. It is a conclusion drawn from a pattern of entries in GL/PL (office) heads and connected credits, as reflected in transaction-wise material. The Respondents' note, collating the discrepancies relied upon by the disciplinary authority, is instructive:

17.1. First, in "Payment of charges to car dealer" transactions (Annexure A, transactions 1–5), the disciplinary authority records breach of bank guidelines and, more damagingly, that the payments were made into the accounts of the Petitioner, her father and her mother. This is consistent with the case set out against the Petitioner that office accounts were debited while the ultimate beneficiary was the Petitioner or her close relatives, who are concededly not in this business.

17.2. Second, on "Law Charges Other / Sundry Charges / New Intermediary Account" entries said to relate to stamp papers (Annexure A, transactions 8, 9, 10, 11, 14, 15, 18, 21), the disciplinary authority found that payments were made to one Vivek Sharma, who was not an empanelled advocate, and also that, as per bank guidelines, stamp papers were to be arranged by the customer and not by the bank, and in any event payments should not be routed in the manner found.

³ *State Bank of Patiala v. S.K. Sharma* (1996) 3 SCC 364.



17.3. The contemporaneous note further records that out of the twenty-eight GL/PL transactions, fifteen were routed through an account of Vivek Sharma, and amounts paid by the bank were thereafter transferred to the Petitioner's account or relatives' accounts or withdrawn as cash after deductions.

17.4. Third, for "Payment for sanitization" (Annexure A, transactions 23, 24, 25, 26, 28), the disciplinary authority found payments were again made to Vivek Sharma under the pretext of sanitization, without supporting documentation, bills, or vouchers establishing prior approval and justification.

17.5. Fourth, where the head was again "Payment of charges to car dealers" (Annexure A, transactions 19 and 20), the disciplinary authority found "double payment" against the same bill, and that the payee was not even a car dealer.

17.6. Fifth, even in a seemingly routine head like stationery payment (Annexure A, transaction 16), the finding is of violation of the due process requiring joint authority and the absence of bills supporting reimbursement.

17.7. The Annexure B findings take the matter further into the domain of staff-account related impropriety. The disciplinary authority records that LABOD (Loan/Overdraft Against Bank's Own Deposit) was availed in the name of the Petitioner's sister (Mansi Sharma), without documentary support, and contrary to extant guidelines governing staff conduct and sanction discipline.

17.8. The disciplinary authority also notes fund transfers inter se family accounts without debit mandate or authority, cash deposits followed by inter-account transfers and cash withdrawals, which it characterises as



“layering” of transactions into staff accounts.

18. These are not stray technical lapses. In a bank, GL/PL heads are designated for specific operational expenditures and do not constitute a discretionary pool for routing funds to staff or connected accounts. A transaction that is unauthorized, unjustified, or tainted by a conflict of interest remains fundamentally illicit regardless of whether it was subsequently vetted by a supervisor. Where the payees and the subsequent credit trail reveal personal benefit, the “maker” cannot seek immunity by pointing to downstream checking.

19. The Petitioner’s challenge, as articulated, attempts to reframe the controversy as one of investigation gaps, non-examination of other officials, and an alleged failure to follow the maker-checker principle. The appellate record notes that such allegations were raised in broad strokes without demonstrating how the proceedings were vitiated.

20. The maker-checker framework is a risk-control mechanism; it does not legitimise an unauthorised transaction nor dilute personal accountability. Its existence does not operate as immunity for a maker, particularly where office heads are debited without documentation or the payment trail points to self-interest. While a bank may hold multiple officers answerable where facts justify, the maker’s responsibility remains direct and personal. As underscored in *Nikunja Bihari Patnaik*, conduct inconsistent with banking procedure and probity attracts strict discipline, notwithstanding attempts to portray it as routine operational action.

21. The Petitioner also urges that vouchers were not produced, and that the bank could tamper with internal records during the period of suspension. Courts do treat record-custody issues seriously when such issues are



supported by a factual foundation. Here, the challenge remains in the realm of conjecture. A charge cannot be defeated by a general assertion that vouchers are “tamperable”. The Petitioner was required to point to specific inconsistencies, to show that records were withheld despite a request, or to establish that the inquiry relied on material that the Petitioner never saw and could not answer. The case placed before the Court does not show that kind of demonstrable prejudice.

22. The material, on the other hand, shows that the inquiry proceeded on documentary evidence which the Petitioner accepted as genuine, and the inquiry authority returned transaction-wise findings. The management placed twenty-four documents on record, marked as Management Exhibits ME-1 to ME-24, and these were accepted as genuine by the Petitioner during the enquiry.

23. The attendance sheets and the daily order sheets were shared with her and were countersigned, which is inconsistent with the later suggestion that the proceedings were opaque or that the Petitioner was kept out of the process.

24. The inquiry then proceeded, as many service inquiries do, on the strength of admitted and contemporaneously acknowledged documents. Neither side chose to lead oral evidence. The Presenting Officer did not examine witnesses, and the Petitioner also did not produce witnesses. That choice does not, by itself, vitiate the inquiry, particularly when the documentary trail is not in dispute and the inquiry officer has returned transaction-wise findings, mapping each entry to the alleged misconduct.

25. In writ jurisdiction, the task is not to re-weigh that material as an appellate forum, but to see whether the decision-making is fair and whether



the conclusions rest on some admissible material and a rational chain of reasoning. On that limited canvas, the contemporaneous acceptance of the exhibits and the transaction-wise analysis materially answer the Petitioner's core grievance that the inquiry was slipshod or unreasoned.

26. The argument that the alleged anomalies were "non-financial" and that loss is unclear also does not assist. In banking discipline, the focus is not confined to final loss figures. Misuse of PL/GL heads, unauthorised debits, and payments without bills or mandate expose the institution to financial risk and reputational harm. Even if a bank later recovers money or corrects entries, the act that violates procedure and integrity remains actionable as misconduct. The recovery direction of Rs. 1,81,681/- is an added consequence. The gravamen of the penalty is the breach of trust and the misuse of internal mechanisms.

27. The Petitioner's plea of discrimination and selective targeting was also pressed. Even where such a plea is raised, it does not dilute the requirement that the Petitioner must meet the evidence against her. Two wrongs do not cancel each other. In any case, the bank's record indicates that action was taken against other officials as well. That takes the sting out of the selective targeting argument.

28. The Court has also tested the decisions for reasons. The disciplinary and appellate orders cannot be called unreasoned. They engage with the transaction pattern, the absence of supporting documentation and mandate, the nature of office-account heads, and the Petitioner's defence. Reasons are not expected to read like a judgment of a civil court. They must disclose that the authority applied its mind to the case and the defence. That threshold is met.



29. The remaining question is punishment. The Court does not interfere with penalty merely because another view on punishment is possible. Interference arises only where the punishment is so disproportionate that it shocks judicial conscience.⁴ When the misconduct concerns probity in banking operations and the alleged diversion of payments through internal heads to the employee or the employee's family, removal from service cannot be described as a punishment outside the range of rational disciplinary response. A bank is entitled to treat such conduct as destructive of confidence.

30. The petition, in substance, asks the Court to revisit the evidence, re-evaluate the transaction trail, and draw alternative inferences. That exercise lies beyond the writ court's remit once the process is fair and the findings rest on material that can reasonably sustain them. The challenge therefore fails.

31. For these reasons, the writ petition is dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

FEBRUARY 12, 2026

nk

⁴ *Jai Bhagwan v. Commissioner of Police* (2013) 11 SCC 187; *Dev Singh v. Punjab Tourism Development Corpn. Ltd.* (2003) 8 SCC 9.