

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9368 of 2026

Chandan Kumar Son of Urindra Kumar Matkuria Singh, Resident of Qr. No. 787/C, Near Shiv Mandir, New Malkhana Railway Colony, Bhuli More, P.S and District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The Union Bank of India Through Assistant General Manager (Man Power Planning and Recruitment Division), Human Resources Vertical, Central Office, Mumbai, Union Bank Bhawan- 239, Vidhan Bhawan Marg, Nariman Point, Mumbai-400021.
2. The Assistant General Manager (Man Power Planning and Recruitment Division), Union Bank of India, Human Resources Vertical, Central Office, Mumbai, Union Bank Bhawan- 239, Vidhan Bhawan Marg, Nariman Point, Mumbai-400021.
3. The Chief Manager, (Ka. San. Pra), Union Bank of India, Human Resources Department, Central Office, Mumbai.
4. The Manager, Union Bank of India, Regional Office, Samastipur, I floor, Gola Road, Samastipur-848101.
5. The Institute of Banking Personal Selection, IBPS House, 90 ft. Road, Thakur Complex, Kandiwali East, Mumbai- 400101 through its Divisional Head Administration.
6. The Divisional Head Administration, Institute of Banking Personal Selection, IBPS House, 90 ft. Road, Thakur Complex, Kandiwali East, Mumbai-400101.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar, Advocate Mr. Ashwani Kumar, Advocate
For Respondent Nos.1 to 4:		Mr. Nishi Nath Ojha, Advocate Mr. Kundan Kumar Sinha, Advocate
For the IBPS	:	Mr. Siddharth Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 07-07-2026

Learned counsel for the petitioner, learned counsel
for the State, learned counsel for the IBPS and learned counsel
for the Bank of India are present.



2. The present writ petition has been filed by the petitioner with the following reliefs:-

(i) In the nature of "certiorari" for setting aside the Order as contained in letter No. CO:ERD: 12318:2026 dated 02.01.2026 issued under the signature of Chief Manager (Ka.San. Pra) Central Office, Union Bank of India whereby and where under the petitioner services were placed under suspension with immediate effect directing further therein that he shall be entitled for the subsistence allowance only as per the Rules of the Bank.

(ii) In the nature of "certiorari" also for setting aside the speaking order dated 14.01.2026 issued under the signature of Division Head Administration, Institute of Banking Personal Selection (in short IBPS) whereby and where under the petitioner was debarred for life for appearing in CRP examination conducted by IBPS with a further direction that if the candidature of petitioner is selected in any organization/Bank in subsequent Recruitment process, the decision under this proceeding would be conveyed to such organization/Bank for their information and further reserving the right that IBPS may refer the case of the petitioner to any



investigating authorities for appropriate criminal action and also to inform public examination authorities about the penal action imposed in this proceeding.

(iii) In the nature of "mandamus" directing and commanding the respondent authorities not to initiate any disciplinary proceeding against the petitioner on an unilateral finding by the IBPS and decision thereof which has been taken behind the back of the petitioner without providing any opportunity of hearing.

(iv) For any other relief/s for which the petitioner is entitled in the facts and circumstances of the present case.

3. Learned counsel for the petitioner submits that genesis of his case is based on the memorandum of settlement dated 11/11/2020 took place between the management of Bank represented by the Indian Banks' Association and their workmen as represented by All India Bank Employee Association, National Confederation of Bank Employees, National Organization of Bank Workers and Indian National Bank Employees Federation.

4. Learned counsel for the Bank raised preliminary objection and submits that as per the memorandum of settlement, particularly clause-45 of the said settlement



indicates the specific provisions relating to disciplinary action and procedure thereof relating to the bank employees and this is the settled law at present applicable to the bank employees (other than officers) whose clause-45 creates a provision relating to disciplinary action and procedure thereof and according to him the specific provision mentioned in clause-45 automatically creates bar upon the petitioner to move before this Hon'ble Court.

5. Learned counsel appearing on behalf of IBPS submits that at this juncture there is no role of IBPS and, particularly, the writ petition is not maintainable against the IBPS. In this regard, there is consistent decisions of Hon'ble Supreme Court as well as of this Court well discussed in case of **Vikash Kumar Vs. IBPS & Others** decided in **CWJC No. 1694 of 2026**, whose paragraphs 6 to 9 are relevant, which state as follows:

*“6. Learned Counsel for I.B.P.S. submits that this Hon'ble Court as well as Hon'ble Supreme Court of India has categorically held in the various decisions including the decision of **Rajbir Surajbhan Singh Vs. The Chairman Institute of Banking Personnel Selection, Mumbai, in Civil Appeal No. 4455/2019 (arising out of S.L.P © No. 18201/2015)** decided by*



Hon'ble Supreme Court of India on 29th April, 2019 that the writ petition under Article 32 or 226 of the Constitution of India is not maintainable against the Institute of Banking Personnel and Selection. He submits that petitioner has challenged the correspondence made by the I.B.P.S. with the UCO Bank which may not be the subject to challenge in the writ petition.

7. This Court upon hearing the parties, finds that admittedly petitioner is the employee of Bank and under the service regulation, it is well within the employer to take action against the employee, but completely according to the service Rule. It is also admitted that both petitioner as well as the Bank are guided by the established service rule and Regulation 17 of the Uco Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 states as follows:

*“ 17. Appeals:
(Circular No.-
CHO/POS/4/2005 dated :
25.01.2005)*

(1) An officer employee may prefer an appeal to the Appellate Authority within forty five (45) days from the date of receipt of the order imposing upon him any of the penalties specified in regulation 4 or against the order of suspension



referred to in regulation 12.

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(2) An appeal shall be preferred to the Appellate Authority with a copy being forwarded by the appellant to the Authority which made the order appeal against. It shall contain all material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall, on receipt of a copy of the appeal from the Appellant, forward the same with its comments thereon together with the relevant records to the Appellate Authority within a period not exceeding forty five (45) days



from the date of the receipt of the appeal.

(4) The Appellate Authority shall on receipt of the comments and records of the case from the authority whose order is appealed against, consider whether the order of suspension/findings are justified or whether the penalty excessive or inadequate and pass appropriate orders. The Appellate Authority may pass an order confirming, enhancing, reducing or setting aside the penalty/suspension or remitting the case to the authority which imposed the penalty or to any other authority with such directions as it may deem fit the circumstances of the case:

Provided that-

(i) If the enhanced penalty which the Appellate Authority proposed to impose is a major penalty specified in clauses (f), (g), (h), (i) and (j) of regulation 4 and an inquiry as provided in regulation 6 has not already been held in the case,



the Appellate Authority shall direct that such an enquiry be held in accordance with the provisions of regulation 6 and thereafter consider the record of the inquiry and pass such orders as it may deem proper;

(ii) If the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in regulation 6, the Appellate Authority shall give a show cause notice to the officer employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the officer employee.

(5) The Appellate Authority shall dispose of the appeal within a period of ninety (90) days from the date of its receipt from the Appellant:

Provided that the time limit specified in this regulation shall not apply to case having a vigilance angle and where



major/minor penalty proceedings against the officer employee have commenced on recommendations of the Police or Central Bureau of Investigations or Central Vigilance Commission, as the case may be, investigating the matter.

(6) The cases lying pending over ninety (90) days shall be reviewed periodically by the Appellate Authority and reasons for non-disposal of the cases shall be recorded in writing.

8. It transpires to this Court that under Regulation 17 the order of suspension is an appealable order, therefore, this Court hereby directs the petitioner to avail the remedy of appeal and the writ petition is not maintainable against the Bank at this juncture.

9. So far as the challenge of the petitioner against the I.B.P.S. is concerned, this Court still keep open this question for the petitioner to challenge at the relevant time before the relevant authority, but the judgment passed by the Hon'ble Supreme Court, mentioned above, shall be the guideline for the purpose of deciding the factor before any other authority/forum.'".



6. After hearing the parties, it transpires to this Court that Clause-45 of the Memorandum of Settlement dated 11th November, 2020 between Indian Banks' Association and All India Bank Employees' Association states as follows:

“45. Disciplinary Action and procedure thereof:

In partial modification of Bipartite Settlement dated 10th April, 2002, the following modifications shall be incorporated therein and shall be effective from 1st November, 2020:

a) Clause 5 (j), from the date of this Settlement, shall read as under:

-doing any act of gross negligence or negligence involving or likely to involve the bank in serious loss.

b) New clause 7 (q) shall be added as under:

- doing any act prejudicial to the interest of the bank.

c) Clause 12 (d)- the following shall be added:

- If the representative defending the employee is an employee of the same bank at an outstation branch situated outside the State, on a case to case basis as may be decided by the Bank, he shall be relieved on special leave (on full pay and allowances) to represent the employee and



shall be paid one return fare.

d) Clause 6(e) shall read as under:

- be brought down to a lower stage in the scale of pay upto a maximum of 2 stages and for a maximum period of two years.

Note: This punishment shall be non-cumulative and annual increment(s)/ Stagnation Increment (s) falling during the period of punishment shall be released on the respective due date (s)

e) Clause 6(i) i.e. the punishment of 'be fined' shall be deleted.

f) Clause 6(f) shall read as under:

- have his increment/s stopped with or without cumulative effect.

Note: Specific period of rigour shall be mentioned.

g) The following shall be added as Clause 7 (r):

Misconducts covered under Clause 7 (a) to (q) shall not be made out as 'gross misconduct' under Clause 5.

h) An employee placed under suspension pending disciplinary action shall be given an opportunity to represent to the management to reconsider the order of suspension.

i) An employee who has been awarded the punishment of dismissal, compulsory discharge or removal from service by the Disciplinary Authority and subsequently where the



punishment is confirmed by the Appellate Authority, shall be given an opportunity to seek reconsideration by an authority higher than the Appellate Authority.

j) If multiple charges as per procedural lapses are made out, then the punishment given in such cases shall be one.

k) Disciplinary authority shall have the discretion to decide whether the punishment will affect the superannuation benefits of the employee or not, in case where the punishment is affecting the superannuation benefits.”

7. Upon bare perusal of Clause-45, particularly, Clause 45(h), it is very much clear that an employee placed under suspension pending disciplinary action shall be given an opportunity to represent to the management to reconsider the order of suspension.

8. In this view of the matter, this Court is of the view that the petitioner has not exhausted the said remedy mentioned in clause-45(h) of the said Memorandum of Settlement. Therefore, the present writ petition stands disposed off, granting liberty to the petitioner to avail the remedy under clause-45(h) of the said Memorandum Of Settlement which is applicable upon the petitioner being the employee of the bank (other than officers). This Court further directs that upon filing



the representation, the concerned Authority shall take decision
on his representation within 60 days.

(Dr. Anshuman, J)

Mkr./Anshuman/

AFR/NAFR	AFR
CAV DATE	
Uploading Date	09/07/2026
Transmission Date	

