



2026:AHC:168260

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 41956 of 2014

Mohammad Aseen @ Yaseen

.....Petitioner(s)

Versus

Punjab National Bank Circle Office Varanasi And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Alok Kumar Yadav, Jyoti Bhushan, Ram Surat Saroj
Counsel for Respondent(s)	: Ashok Shankar Bhatnagar, R.N. Singh, Ravi Prakash Pandey, S.C., Sanjai Singh

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Heard Sri Babulal, learned Advocate holding brief of Sri. Jyoti Bhushan, learned counsel appearing for the petitioner, and Sri Ashok Bhatnagar, learned Senior Counsel, assisted by Sri Ramesh Prajapati, learned Counsel appearing for respondent nos. 1, 2 and 3.

2. The petitioner is aggrieved by the communication dated 22.05.2014 issued by Chief Manager, Disciplinary Authority, addressed to Sri S.S. Guha, Senior Manager, Branch Office, Mughalsarai, informing him that he had been appointed as the Enquiry Officer and one Sri N.K. Pandey, Manager,, Branch Office, Padao had been appointed as the Presenting Officer.

3. Learned counsel for the petitioner submits that, pursuant to the aforesaid communication dated 22.05.2014, the Enquiry Officer was advised to submit his enquiry report within twenty days by conducting the enquiry proceedings on a day-to-day basis, in compliance with the order dated 25.04.2014 passed by the coordinate Bench of this Court in Writ - A No. 23172 of 2014 (Mohammad Aseen @ Yasin Vs. Punjab National Bank through Chief Manager and 2 others). He further submits that the departmental enquiry initiated against the petitioner is legally unsustainable, particularly in view of the fact that criminal proceedings arising out of the same set of the facts are also pending against the present petitioner. It is, therefore, contended that, during the pendency of the criminal proceedings, the departmental proceedings ought not to be permitted to proceed. He next submits that, as per Clause 4 of the Bipartite Settlement dated 10.04.2002, departmental

proceedings against the present petitioner are not permissible. He lastly submits that, at least for a period of one year, the departmental proceedings ought to remain stayed in view of the law laid down by the coordinate Bench of this Court in Writ Petition No. 5331 of 2026 (Manoj Kumar Yadav Vs. Union of India and two others), decided by order dated 20.04.2026.

4. Per contra, learned Senior Counsel appearing for the respondent-Bank, has contended that the instant writ petition filed on behalf of the petitioner is, in substance, amounts to seeking to defeat the effect of the earlier order dated 25.04.2014 passed by the coordinate Bench of this Court in Writ A No. 23172 of 2014 (Mohammad Aseen @ Yasin Vs. Punjab National Bank through Chief Manager and 2 others). It is further contended that the initial charge-sheet dated 02.04.2013 (Annexure No. 5) was served upon the petitioner and, pursuant thereto, an enquiry was conducted and the enquiry report was submitted to the disciplinary authority. Upon noticing certain discrepancies in the enquiry proceedings, the disciplinary authority passed a fresh order dated 20.03.2014 directing re-enquiry into the matter, and requiring the petitioner to submit reply. Aggrieve thereby, the petitioner filed Writ-A No.-23172 of 2014, which was disposed of vide order dated 25.04.2014 with a direction to disciplinary authority to take a decision in the matter in accordance with law within a period of two months. Subsequently, the petitioner again approached this Court. While entertaining the instant writ petition, this Court, vide interim order dated 13.08.2014, permitted the disciplinary proceedings to continue, subject to the condition that no final decision would be taken by the disciplinary authority until the next date of listing. He has emphasised that, since the passing of the interim order dated 13.08.2014, the disciplinary proceedings have substantially progressed and the evidence of both the parties has already been completed. He further submits that, the final decision could not be taken only on account of the interim order passed by this court. He contends that, even if the submission advanced by learned Counsel for the petitioner is considered in the light of the judgment dated 20.04.2026 passed by the coordinate Bench of this Court in Writ-A No. 3551 of 2026, there is no justification for keeping the departmental proceedings pending, particularly when the proceeding have already remained pending for more than twelve years.

5. Having considered the rival submissions advanced by learned Counsel for the parties and upon perusal of the record, it is evident that the charge-sheet dated 02.04.2013 was served upon the petitioner. Enquiry Officer, after due

enquiry, submitted report dated 04.03.2014. Upon receipt of the said enquiry report, the disciplinary authority passed a fresh order dated 20.03.2014 (Annexure No. 6) directing re-enquiry into the matter and requiring the petitioner to submit his reply within seven days. Aggrieved by the notice/direction for re-enquiry dated 20.03.2014, the petitioner preferred Writ - A No. 23172 of 2014 (Mohammad Aseen @ Yasin Vs. Punjab National Bank through Chief Manager and 2 others). Upon considering the notice/direction dated 20.03.2014 and the reply submitted by the petitioner thereto, the coordinate Bench of this Court disposed of the said writ petition, vide order dated 25.04.2014, directing respondent no. 1 (disciplinary authority in the said writ petition) to take a decision in the matter of the petitioner in accordance with law within a period of two months from the date of filing a certified copy of the said order by the petitioner before him. For ready reference, the order dated 25.04.2014 is reproduced hereinbelow:

"Heard Sri Ram Surat Saroj, learned counsel for the petitioner, Sri Neeraj Kumar Pandey holding brief of Sri Sanjay Singh, learned counsel for the respondents.

The grievance of the petitioner is that he was working as part-time Safai Karmi under the respondent no.3 and was suspended by an order dated 11.6.2011 by the Branch Manager. Thereafter, an inquiry was conducted. On the basis of conclusions reached by the inquiry officer, the respondent no.1 issued a notice dated 20.3.2014 to the petitioner requiring him to submit reply.

It is alleged that the petitioner submitted the reply dated 26.3.2014, but the respondent no.1 has not yet taken any decision in the matter of the petitioner.

Learned counsel for the respondents submits that the reply of the petitioner shall be considered and appropriate decision shall be taken in accordance with law by the respondent no.1 within two months.

In view of the above, this writ petition is disposed of with a direction to the respondent no.1 to take decision in the matter of the petitioner in accordance with law within a period of two months from the date a certified copy of this order is filed by the petitioner before him.

With the aforesaid direction, the writ petition is disposed of."

6. Pursuant to the order dated 25.04.2014, the competent authority issued the impugned communication dated 22.05.2014 addressed to Shri S.S. Guha, Senior Manager, informing him of his appointment as the Enquiry Officer and requesting him to submit the enquiry report within twenty days by

conducting the enquiry proceedings on a day-to-day basis. The communication specially records that the enquiry was being instituted in compliance with the order dated 25.04.2014 passed by this Court in Writ Petition No. 23172 of 2014. For ready reference, the impugned communication dated 22.05.2014 is reproduced hereinbelow:

"PUNJAB NATIONAL BANK, CIRCLE OFFICE VARANASI

22.05.2024

*Sh. S.S. Guha
Sr. Manager
BO: Moghalsarai*

*Reg: Chargesheet dated-02.04.2013, served upon Sh. Mohd. Aseesh
(Aseen/ Yashin) (82773), PTS (u/s), BO: Khajoori*

W.r.t. the above, a re-departmental enquiry has been instituted on 22.05.2024 to ascertain the truth of the charges contained in the said chargesheet, and you have been appointed Enquiry Officer for the same. Sh. N.K. Pandey, Manager, BO: Padao has been appointed Presenting Officer for the said enquiry.

In view of the order dated 25.04.2014 of the Hon'ble Allahabad High Court in the WP No. 23172 of 2014 - Mohd. Aseen @ Yaseen VS PNB to take decision in the matter within a period of two months, you are advised to submit your report within twenty days by conducting the enquiry proceedings on a day to day basis. Please convey the dates, times and venues of the hearings to the CSE and the PO directly.

A copy each of the said chargesheet and the reply submitted by the CSE is enclosed for your ready reference.

Chief Manager, Disciplinary Authority"

7. Having perused the impugned communication dated 22.05.2014, which was issued pursuant to and in purported compliance with the order dated 25.04.2014 passed by the coordinate Bench of this Court, this Court finds it difficult to accept the challenge raised by the petitioner thereto. The order dated 25.04.2014 was passed after taking into consideration the notice dated 20.03.2014 and the reply submitted by the petitioner thereto, and the

coordinate Bench had specifically directed the disciplinary authority to take a decision in the matter in accordance with law within the stipulated period. The impugned communication dated 22.05.2014 appears to have been issued in furtherance of the said direction and, therefore, the petitioner cannot be permitted to assail the very action taken pursuant to the aforesaid judicial direction without demonstrating any subsequent circumstance or legal impediment warranting interference.

8. So far as Clause 4 of the Bipartite Settlement dated 10.04.2002 is concerned, the effect and applicability thereof would have to be considered in the light of its precise language and the facts of the present case. Admittedly, the FIRs were lodged on 19.04.2011, being Case Crime Nos. 125 of 2011, 126 of 2011 and 127 of 2011. The charge-sheets were submitted on 19.06.2011 and cognizance was also taken on the same date. The Hon'ble Supreme Court in the case of **State Bank of India and others Vs. P. Zadenga, (2023) 10 SCC 675** has discussed the scope of Clause 4 Memorandum of understanding dated 10.04.2002 as follows in paragraph nos. 15, 17, 23, 30, 31, 33 and 40 :

15. Before proceeding to the merits of the issue at hand, it would be appropriate to reproduce clause 4 of the MoS dated 10 th April 2002, which is the bone of contention in this dispute, for the delinquent employee contends an apparent embargo on proceedings with disciplinary enquiry when criminal cases arising from the same transactions are pending, and the appellant-bank submitting to the contrary of there being no such restriction.

17. In respect of the interpretation of clause 4, we find this Court to have observed in State Bank of India & Ors. v. Neelam Nag, (2016) 9 SCC 491 as follows:-

"21. In the plain language of Clause 4, in our opinion, it is not a stipulation to prohibit the institution and continuation of disciplinary proceedings, much less indefinitely, merely because of the pendency of a criminal case against the delinquent employee. On the other hand, it is an enabling provision permitting the institution or continuation of disciplinary proceedings, if the employee is not put on trial by the prosecution within one year from the commission of the offence or the prosecution fails to proceed against him for want of any material.

22. *As can be culled out from the last sentence of Clause 4, which applies to a case where the criminal case has in fact proceeded, as in this case, for trial. The term "completion of the trial" thereat, must be construed as completion of the trial within a reasonable time-frame. This clause cannot come to the aid of the delinquent employee—who has been named as an accused in a criminal case and more so is party to prolongation of the trial."*

23. *Keeping in view Neelam Nag (supra), the following essentialities may be culled out for the operation of clause 4*

a. At least one year ought to have passed since attempts to get the delinquent employee prosecuted;

b. If, after the passage of such time, no prosecution is initiated, then the department may proceed in accordance with its procedure for disciplinary action;

c. If the prosecution commences later in point of time to the disciplinary proceedings, the latter shall be stayed, but not indefinitely. Such proceedings are to be stayed only for a reasonable period of time, which is a matter of determination per the circumstances of each case.

30. *Repetitive as it may sound, we reiterate the principle of law enunciated in Neelam Nag (supra) that the completion of trial must be construed as completion "within the reasonable time frame" and that the clause cannot come to the aid of the employee "more so", for "prolongation on the trial". In the instant case, the completion of the trial concerning the crime registered in the year 1996 is nowhere nearing completion.*

31. *As a principle of law, we have already observed that a departmental proceeding pending criminal trial would not warrant an automatic stay unless, of course, a complicated question of law is involved. Also, acquittal in a criminal case ipso facto would not be tantamount to closure or culmination of proceedings in favour of a delinquent employee.*

33. *It is seen that the officer neither pleaded nor indicated the prejudice caused to him as a consequence of the initiation of criminal proceedings or simultaneous continuation of both proceedings.*

40. *Clause 4 of the MoS dated 10 th April 2002 does not envisage a complete standstill of departmental proceedings as a result of the pendency of criminal proceedings. The position of law is that the stay of*

the latter is desirable, but the same is to be affected only for a reasonable period of time.

9. As regards the pendency of the departmental proceedings and the criminal proceedings arising out of the same set of facts, this Court does not consider it necessary, at this stage, to examine the said issue in detail, particularly having regard to the extraordinary lapse of time since the charge-sheet dated 02.04.2013 and the order dated 25.04.2014 passed by this Court, and the judgment dated 03.10.2023 passed by the Hon'ble Supreme Court in State Bank of India (supra) as mentioned above. Admittedly, the criminal proceedings have remained pending for an inordinately long period and have not yet culminated in a final adjudication. Learned Senior Counsel appearing for the contesting respondent-Bank submits that the departmental enquiry has substantially been concluded and both sides have already led their evidence. According to him, the final decision could not be taken only because of the interim order dated 13.08.2014 passed by this Court restraining the disciplinary authority from taking any final decision until the next date of listing. It is not in dispute that the said interim order continued from time to time.

10. Having regard to the submissions advanced by learned counsel for the parties, the nature of the proceedings and the extraordinary length of time for which the matter has remained pending, this Court is of the considered view that no useful purpose would be served by keeping the instant writ petition pending any further. Even assuming that the principle relied upon by learned counsel for the petitioner, as emerging from the order dated 20.04.2026 passed by the coordinate Bench of this Court in Writ-A No. 3551 of 2026, is applicable to the facts of the present case, the period contemplated therein has already elapsed by the passage of time. The departmental proceedings have remained pending since the year 2013 and, as submitted by learned Senior Counsel for the respondent-Bank, the evidence of both sides has already been completed. In such circumstances, there appears to be no justification for keeping the present matter pending indefinitely merely on account of the pendency of the criminal proceedings, particularly when the departmental enquiry has already substantially progressed and the evidence of the parties stands concluded.

11. In view of the foregoing discussion, this Court finds no ground to

interfere with the impugned communication dated 22.05.2014. The writ petition is, accordingly, devoid of merit and is hereby **dismissed**. However, the Disciplinary Authority is directed to conclude the disciplinary proceedings and take decision in compliance with the order dated 25.04.2014 passed by this court in Writ-A No.-23172 of 2014.

August 11, 2026

vkg

(Dinesh Pathak,J.)