



CNR: KAHC010035642021

NC: 2026:KHC:36640-DB
WP No. 2032 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 2032 OF 2021 (L-TER)



BETWEEN:

1. THE ASSISTANT GENERAL MANAGER (HR)
STATE BANK OF INDIA, LOCAL HEAD OFFICE
ST. MARKS ROAD, BENGALURU-560 001

...PETITIONER

(BY SRI T P MUTHANNA, ADVOCATE)

AND:

1. SHRI K NAGIREDDY
S/O SHRI K SHIVAREDDY
DEVANUR MAIN ROAD
DEVANNA COMPLEX
TUMAKURU-572 102

...RESPONDENT

(BY SRI BASAVARAJA PATEL G K, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE AWARD DATED 20.12.2019 IN CR.NO.42/2008 PASSED BY THE CGIT-CUM-LABOUR COURT, BENGALURU AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

Digitally
signed by
VASANTHA
KUMARY B
K

Location:
HIGH
COURT OF
KARNATAKA



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CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

1. The present writ petition has been filed by the State Bank of India impugning the award dated 20.12.2019 passed by the Central Government Industrial Tribunal-cum-Labour Court ('CGIT' for brevity) in CR.No.42/2008.
2. Vide the impugned award, the CGIT has held that dismissing the respondent-workman with effect from 16.02.2006 from service was not legal and not justified and therefore, set aside the same. The CGIT further directed the Bank to treat the respondent-workman as on duty from the date of his dismissal till the date of his superannuation and to pay 80% of his back wages with terminal benefits.
3. The respondent-workman was working as a Senior Assistant at Tumakuru and Byalya Branches in the year 2004. He was placed under suspension with effect from 14.10.2004 for commission of misconduct. He was issued with the Charge Sheet dated 31.01.2005 for the following charges:-



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"Tumkur Branch

While the Respondent was working at Tumkur Branch, the Bank received a complaint from one G V Venkateshamurthy on 08.07.2004 alleging that he had remitted a sum of Rs. 4400/- on 03.05.2003 for credit of his housing loan account at the cash counter of the Branch. The Respondent received the cash and issued a counter foil. However, he has not accounted for the amount in the books of the Bank. On 16.08.2004, his son K N Raghava Reddy remitted the amount towards the account of Venkateshamurthy on his behalf.

Byalya Branch

i) While the Respondent was working at Byalya Branch, one Puttappaiah had complained vide his letter dated 11.08.2004 alleging that he had remitted a sum of Rs. 3000/- on 25.02.2004 for credit of his recurring deposit account at the cash counter of the Branch. The Respondent received the cash and made an entry in the relative pass book. However, he has not accounted for the amount in the books of the Bank. On 14.08.2004, his son remitted the amount towards the account of Puttappaiah on his behalf.

ii) Smt. Girijamma of M/s. Lakshmi Stree Shakti Sangha had complained on 06.09.2004 that they have remitted a sum of Rs. 2065/ on 06.08.2004 for credit of their account at the single window counter manned by Respondent.



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He had received the cash and made an entry in the relative pass book. However, he has not accounted for the amount in the books of the Bank. On 11.09.2004, his son remitted the amount to their account on his behalf.

iii) Smt. Anjamma of M/s. Maheshwary Stree Shakti Sangha had complained on 06.09.2004 that they remitted a sum of Rs. 7000/- on 07.06.2004 for credit of their account at the single window counter manned by the Respondent. He had received the cash and made an entry in the relative pass book. However, he has not accounted for the amount in the books of the Bank. On 11.09.2004, his son remitted the amount to their account on his behalf.

iv) Smt. Puttahanumakka of M/s. Devi Stree Shakti Sangha had complained on 04.01.2005 that they have remitted a sum of Rs. 4000/- on 02.08.2004 for credit of their account at the single window counter manned by the Respondent. He had received the cash and made an entry in the relative pass book. However, he has not accounted for the amount in the books of the Bank."

4. A domestic enquiry in respect of the above charges was conducted by the Enquiry Officer. The Management had adduced 16 documents and examined 7 witnesses in support of the charges. All the witnesses were cross-examined by the Defence Representative of the respondent-workman. The



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respondent-workman did not produce any document/evidence in support of his case.

5. After examining the evidence and considering the written submissions advanced by the Presenting Officer and the Defence Representative, the Enquiry Officer found the respondent-workman guilty of the charges and submitted the findings dated 07.01.2006 to the Disciplinary Authority.

6. The Disciplinary Authority, having considered the findings of the Enquiry Officer in respect of the charges which were found to be proved, gave notice proposing the punishment of dismissal from service. After having considered the reply to the show cause notice, the Disciplinary Authority, vide order dated 16.02.2006, inflicted the major punishment of dismissal from service on the respondent-workman.

7. The Appellate Authority, vide order dated 25.11.2006, dismissed the appeal filed by the respondent-workman. It is relevant to note that the respondent-workman, vide his letter dated 15.04.2006 (Annexure-G) addressed to the Deputy General Manager and Appellate Authority, accepted his misconduct. However, he pleaded that his case be considered



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sympathetically purely on humanitarian grounds as he has wife, two children and an unmarried sister apart from his aged parents, who are all dependent on him.

8. It would be apt to take note of the letter dated 15.04.2006 addressed by the respondent-workman to the Deputy General Manager and Appellate Authority. It reads as under:-

"It is true that while I was working at our Tumkur and Byalya Branches, I have committed certain lapses as detailed in the above-referred Charge Sheet and caused lot of embarrassment to the bank. Subsequently, even before the disciplinary action was initiated against me during January 2005, I have made good the amount to the respective customers. I have fallen prey to folly and committed the above lapses. Though the lapses committed by me are so grave and cannot be so easily pardoned, I request you to view it sympathetically purely on humanitarian grounds.

Though, I have denied the charges during the enquiry, my conscience is pricking me now to accept the facts and plead for mercy. Hence, I prefer this appeal for your generous consideration.

Sir, I hail from a poor family, joined the bank as Messenger on 04.02.1983 at our Doddaballapur branch. I was promoted as clerk during 1989 and was appointed as



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Senior Assistant during 2003. I was transferred to Service branch Mangalore during January 2006. I have a wife, 2 children and an unmarried sister apart from my aged parents who are wholly dependent on me. I have undergone by-pass heart surgery during 2005. But again, I suffered from chest pain and was admitted to hospital between 23.03.2006 and 27.03.2006. Therefore I request you to show some mercy on me and review the punishment awarded by the Disciplinary Authority and provide me an opportunity to reform and lead a respectable life in the society for which act of yours, I remain ever grateful."

9. After the Appellate Authority had rejected the appeal from the order passed by the Disciplinary Authority, the respondent-workman had raised an industrial dispute. The Central Government referred the dispute for adjudication vide order dated 04.04.2008 in exercise of its powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to the 'ID Act' for brevity) to consider the following question:-

"Whether the action of the management of State Bank of India, Bangalore in dismissing Sri K. Nagireddy S/o S. Shivareddy, Ex-Sr. Assistant w.e.f. 16.02.2006, is legal and justified? If not, to what relief the concerned workman is entitled?"



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10. The CGIT, in a very perfunctory and casual manner, has allowed the reference in favour of the respondent-workman and passed the impugned award as referred to above.

11. The banking services rely entirely on trust. If you give the bank your money, the bank keeps it safe and lends it out. This system works because the customers have trust in the bank that the bank would give your money back when you need it. The banking services play a very important role in the country's economic and financial growth. The banks are expected to act with care and maintain confidentiality. The banks owe a high standard of honesty, integrity and discipline. The bank employees are held to an elevated standard. They are required to discharge their duties with utmost integrity and diligence as any misconduct or misappropriation of any fund of the customer would result in the customer losing faith in the banking system.

12. In the present case, the respondent-workman had misappropriated the customers' money on several occasions as mentioned in the charge sheet and these transactions amounting to gross misconduct were verified after receiving



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complaints from the customers. When the charges of serious misconduct are proved by the Enquiry Officer and the respondent-workman himself had admitted his guilt as pointed out earlier, we are of the view that the CGIT was required to deal with the issue in detail and comprehensively and not in a perfunctory and casual manner which is evident from the award itself. The award passed by the CGIT is unsustainable in law as it has not dealt with the facts, evidence and enquiry report to come to the conclusion that the findings of the Enquiry Officer were perverse or contrary to the evidence brought on record by the parties.

13. We, therefore, set aside the impugned award passed by the CGIT. However, we direct the appellant-Bank to pay the retiral dues of the respondent-workman which would include gratuity and leave encashment, but the respondent-workman would not be entitled for any pension inasmuch as his services stood extinguished on his dismissal from service.

14. We make it clear that if the post retiral dues have not been paid to the respondent-workman, the appellant-Bank shall pay the same within a period of two months including the



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statutory interest on gratuity amount and 6% interest on other post retiral dues from the date of dismissal of the respondent-workman from service till the date of making payment. No order as to costs.

15. With the aforesaid, the writ petition stands disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

BKV
CT:SN
List No.: 2 Sl No.: 1