

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO.227 OF 2023 (S-DE)

BETWEEN:

SMT. SAVITHRI SATEESH
W/O LATE P. SATEESH
AGED ABOUT 78 YEARS
EARLIER WORKING AS
ASSISTANT GENERAL MANAGER
AN OFFICER IN SENIOR MANAGEMENT
GRADE SCALE-V AT SYNDICATE BANK
CENTRAL ACCOUNTS OFFICE
BANGALORE
(NOW SYNDICATE BANK)
SINCE COMPULSORILY RETIRED AND
R/AT NO.3, 1ST FLOOR, 7TH MAIN
A.G.S. LAYOUT
NEW BEL ROAD
BENGALURU - 560 050

...APPELLANT

(BY SRI. JAYANTH DEV KUMAR, ADVOCATE)

AND:

1. CANARA BANK
A BODY CORPORATE CONSTITUTED
UNDER THE BANKING COMPANIES
(ACQUISITION AND TRANSFER OF UNDERTAKINGS)
ACT, 1970

Digitally
signed by
PAVITHRA
N
Location:
High Court
of
Karnataka

HAVING ITS HEAD OFFICE AT NO.112
J.C.ROAD
BENGALURU - 560 002
REP. BY ITS GENERAL MANAGER (PERSONNEL)

2. B. PALAKSHAPPA
DEPUTY GENERAL MANAGER
ESRTWHILE SYNDICATE BANK
NOW CANARA BANK
HEAD OFFICE, NO.112
J.C.ROAD
BENGALURU-560 002

...RESPONDENTS

(BY SRI. T. P. MUTHANNA, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 13.01.2023 PASSED BY THE SINGLE JUDGE, DISMISSING THE WRIT PETITION NO.40833/2001 AND ALLOW THE WRIT PETITION AND ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 29.07.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This Writ Appeal is filed challenging the Order dated 13.01.2023 passed by the learned Single Judge in Writ Petition No.40833/2001 (S-DE).

2. We have heard Shri. Jayanth Dev Kumar, learned counsel appearing for the appellant and Shri. T.P Muthanna, learned counsel appearing for respondents No.1 and 2.

3. The appellant joined the services of the erstwhile Syndicate Bank as a Clerk on 09.01.1965 and through successive promotions, was promoted to the post of Assistant General Manager in Senior Management Grade Scale-V in May 1998. While serving in that capacity and being within the zone of consideration for promotion to the post of Deputy General Manager, the appellant was issued a charge-sheet dated 19.07.2000 in relation to the sanction and operation of certain loan accounts during her tenure at the Gandhinagar Branch, Bengaluru. A departmental enquiry was conducted, culminating in a report holding the charges proved. By order dated 20.01.2001, the Disciplinary

Authority imposed the penalty of compulsory retirement, which was affirmed by the Appellate Authority on 25.07.2001.

4. Aggrieved thereby, the appellant instituted Writ Petition No.40833/2001 challenging the order of the Disciplinary Authority dated 20.01.2001 and the order of the Appellate Authority dated 25.07.2001. The learned Single Judge allowed the writ petition by order dated 05.01.2009 and quashed the orders passed by the Disciplinary Authority and the Appellate Authority. The respondent-Bank preferred Writ Appeal No.370/2009, which was allowed on 02.01.2015. The order of the learned Single Judge dated 05.01.2009 was set aside and the matter was remanded for reconsideration. In Review Petition No.37/2015, by order dated 04.11.2016, it was clarified that all contentions except those concluded by the judgment in the writ appeal were left open for consideration by the learned Single Judge.

5. Upon reconsideration, the learned Single Judge held that the scope of judicial review under Article 226 of the Constitution of India in disciplinary matters is limited

and that the Court cannot re-appreciate the evidence as an appellate authority. Relying on the decision of the Apex Court in the case of ***Union of India and Others v. P. Gunasekaran*** reported in ***(2015) 2 SCC 610***, it was held that interference is warranted only where there is violation of the prescribed procedure or the principles of natural justice, the findings are unsupported by evidence or are perverse, or the punishment is shockingly disproportionate.

6. The learned Single Judge further held that, under Regulation 6(3) of the Syndicate Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 ('Regulations 1976' for short) as it stood on the date of issuance of the charge-sheet, there was no requirement to furnish the list of documents and witnesses along with the charge memo and that the writ petitioner had been furnished the same, together with an opportunity to inspect the records, after denial of the charges in accordance with the Regulations.

7. It was further held that the preliminary investigation report was neither the basis of the charge-sheet nor relied upon by the Enquiry Officer while recording

the findings and, therefore, its non-supply caused no prejudice to the writ petitioner. The decision in ***T. Takano v. Securities and Exchange Board of India*** reported in ***(2022) 8 SCC 162***, was held to be inapplicable and reliance was placed on the decision of the Apex Court in the case of ***Syndicate Bank v. Venkatesh Gururao Kurati*** reported in ***(2006) 3 SCC 150***, to hold that only documents relied upon in the enquiry are required to be supplied. The learned Single Judge also held that there was substantial compliance with Regulation 6(17) of the Regulations 1976, that the plea of bias against the Enquiry Officer, Management Witness No.1 and the Presenting Officer was not established on the facts and that the findings of guilt were based on legal evidence. Accordingly, holding that no ground for interference was made out, the writ petition came to be dismissed.

8. The learned counsel appearing for the appellant contended that the disciplinary proceedings were vitiated for violation of the principles of natural justice on account of the non-supply of the preliminary investigation report prepared

by Shri N. Ananda Rao and certain other documents sought by the appellant. It was contended that the non-supply of those documents deprived the appellant of a reasonable opportunity to defend herself and effectively cross-examine the management witnesses.

9. It is further contended that the learned Single Judge erroneously held that the investigation report was not relied upon in the disciplinary proceedings. The show-cause notices preceding the charge-sheet, the statement of objections filed by the Bank, the evidence of MW-1 and the enquiry report itself clearly establish that the investigation conducted by Shri. N. Ananda Rao constituted the basis of the charges as well as the evidence adduced during the enquiry. It is therefore submitted that non-supply of the investigation report caused serious prejudice and vitiated the enquiry.

10. It is further contended that the learned Single Judge wrongly distinguished the decision of the Apex Court in ***T. Takano***'s case (supra) though the investigation report constituted the basis of the disciplinary action. Reliance is

also placed on the decision of this Court in **G.V. Aswathnarayana v. Central Bank of India** reported in **ILR 2003 Kar 3066** to contend that a delinquent employee is entitled not only to the documents relied upon by the disciplinary authority but also to such relevant documents as are necessary for an effective defence.

11. It is also contended that Shri N. Ananda Rao, who conducted the preliminary investigation, was examined as MW-1 though he had no personal knowledge of the original transactions and that his evidence was derived entirely from the investigation conducted by him. It is further contended that the enquiry was tainted by bias since the Inquiring Authority had a personal interest in the matter. The appellant had been placed above him in the merit list for promotion to the post of Deputy General Manager and he was subsequently promoted while the disciplinary proceedings against the appellant were pending and that these circumstances gave rise to a reasonable apprehension of bias.

12. The learned counsel appearing for the appellant has also placed reliance on the following decisions:-

- ***M/s. Bareilly Electricity Supply Co. Ltd. v. The Workmen & Ors., reported in (1971) 2 SCC 617,*** and
- ***Syndicate Bank v. B. Ganesh Pai, by order dated 03.12.2010 passed in WA No.67/2007.***

13. The learned counsel appearing for respondents No.1 and 2 contended that the appellant, while serving as Assistant General Manager and head of the Gandhinagar Branch, committed serious credit irregularities by sanctioning Rs.60 lakh to M/s. Subhas Poultry Farm without proper appraisal and by allowing irregular debit balances of Rs.6.50 lakh and Rs.4.90 lakh in the accounts of M/s Square-D Electricals and M/s Tulshan Granites respectively, thereby exposing the Bank to financial loss.

14. It was submitted that the enquiry was conducted in accordance with the 1976 Regulations and the principles of natural justice. The Management examined two witnesses and produced 33 documents, while the appellant cross-examined the witnesses and produced seven defence

documents, though she did not examine herself or any other witness. The Enquiry Officer found the charges proved on the oral and documentary evidence; the enquiry report was furnished to the appellant and her representation was considered before compulsory retirement was imposed. The Appellate Authority thereafter considered and rejected her appeal.

15. It was further contended that the preliminary investigation was undertaken only to ascertain whether a prima facie case existed and that its report was neither produced nor relied upon in the enquiry. Its non-supply had therefore caused no prejudice. The appellant was permitted to inspect the records and was supplied the documents sought by her, except one report which was stated not to exist and the investigation report, which was neither the basis of the enquiry nor relied upon to prove the charges. The allegation of bias was denied since the DPC rank list dated 19.07.1999 and the promotion order dated 07.02.2000 preceded the charge-sheet dated 19.07.2000. It was also contended that Regulation 6(17) of the 1976

Regulation had not been violated, as the appellant was afforded an opportunity to explain the circumstances appearing against her and to examine herself, which she had not availed.

16. The learned counsel appearing for respondents No.1 and 2 has placed reliance on the following decisions:-

- ***Vijay Kumar Nigam (dead) through LRs v. State of Madhya Pradesh and Others*** reported in ***AIR 1997 SC 1358***;
- ***Syndicate Bank v. Sri. A.M. Sugunasundaram*** passed in ***Writ Appeal No.4599/2001*** by order ***dated 12.10.2004***; and
- ***Syndicate Bank v. Venkatesh Gururao Kurati*** reported in ***(2006) 3 SCC 150***.

17. We have considered the contentions advanced. We have also perused the materials on record and the decisions on the point which were relied on by the learned counsel appearing on either side as well as the binding precedents on the relevant points in issue.

18. The only question which has to be considered to decide this appeal is, whether the conduct of the disciplinary

proceedings was in accordance with the relevant Regulations and whether the infractions, if any, are of such a nature as to vitiate the enquiry and the resultant imposition of penalty. To answer the said contentions, we are of the opinion that the nature of the allegations against the employee and the evidence adduced in the enquiry as well as the findings of the enquiry officer would be relevant.

19. It is an admitted fact that a preliminary enquiry had been conducted on allegations having been raised as against the writ petitioner while she was working as Assistant General Manager. Pursuant to the preliminary enquiry conducted during May/June, 1999, a charge sheet was issued to the employee on 19.07.2000. A reading of the charge sheet, which is produced as Annexure 'D' along with the writ petition would show that the specific charges against the employee along with a statement of imputations which details the facts leading to the charges have been made available to the employee. However, it is clear that the charge sheet was not accompanied by the list of documents relied on along with copy of such documents and

list of witnesses along with statement of witnesses. However, it is pertinent to note that the Syndicate Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 which were in existence as on the date of issuance of the charge sheet to the employee did not require the providing of list of documents and copies thereof, as well as list of witnesses with their statements along with the charge sheet. Regulation 6(3) of the 1976 Regulations as it stood before the amendment dated 02.06.2001, that is, as on the date of issuance of the charge sheet to the writ petitioner, reads as follows:-

"(3) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite and distinct charges on the basis of the allegations against the officer employee and the articles of charge, together with a statement of the allegations, on which they are based, shall be communicated in writing to the officer employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), or within such extended time as may be granted by the said Authority, a written statement of his defence."

20. The requirement for supply of the documents, list of witnesses and statements along with the charge sheet

was inserted by way of Amendment to Regulation 6(3) by the Syndicate Bank Officer Employees (Discipline and Appeal) (Amendment) Regulations, 2001, which came into force on 02.06.2001.

21. The employee, on receipt of the charge sheet submitted a request to the General Manager on 25.07.2000 seeking to peruse the related files, documents and records, which was allowed to enable her to submit a reply. A written statement of defence was submitted on 03.08.2000 and the list of documents to be relied on with copies were served on the employee. However, the writ petitioner's request for the supply of the preliminary enquiry report was rejected by the Enquiry Officer on the ground that it was a purely internal document and not connected to the allegations. The enquiry proceeded with Shri. M.S. Dwaraganath, Chief Officer, Zonal Office IR Cell, Bangalore as the Presenting Officer and Shri. B.R. Bhat, Branch Manager, Madhwanagar Branch as the Defence Assistant. The evidence consisted of the oral evidence of Shri. N. Anand Rao, Deputy General Manager, Zonal Office, Chennai and Shri. M.K. Chittaranjan, Senior

Manager (Audit) Gandhinagar Branch, Bangalore as Management Witness. MEX-1 to MEX-33 were marked. The delinquent employee did not examine the witnesses but produced DEX-1 to DEX-7. After considering the evidence adduced, the enquiry officer found that the charges stood proved.

22. The main ground of attack raised by the learned counsel appearing for the appellant in this appeal is to the effect that the Preliminary Enquiry Report submitted by Shri. Anand Rao was not served on the appellant. The further contention raised is that Shri. Anand Rao was not the Officer, who was in the possession of the documents or in-charge of the Branch, wherein the alleged irregularities occurred. It is the contention of the learned counsel appearing for the appellant that Shri. Anand Rao was aware of the facts of the case only in his capacity as the officer who conducted the Preliminary Enquiry. On these premises, it is contended that the non-furnishing of the preliminary enquiry report vitiates the entire proceedings.

23. Having given our anxious consideration to the pleadings and materials on record, we are of the opinion that the enquiry has been conducted in substantial compliance with the requirement of the regulations as well as the principles of natural justice. The appellant was served with a memo of charges and a statement of allegations. Copies of list of witnesses, documents and copies of relied on documents were also provided to her.

24. It appears from the records of the enquiry that a proper opportunity to cross-examine the witnesses and to present evidence was also made available to the appellant. From an anxious consideration of the enquiry report, it is revealed that the preliminary enquiry report has not been relied on by the enquiry officer for any purpose. Further, in view of the fact that the charge memo with a clear statement of allegations and all supporting documents were served on the appellant and an enquiry in conformity with the requirements of the Regulations had been conducted, the contention of the appellant that the enquiry stood vitiated on account of the fact that the Management Witness

was the officer who conducted the preliminary enquiry cannot be accepted by us. The documents which form the basis for the allegations have been produced in the enquiry. Copies have been served on the appellant.

25. In the above circumstances and having regard to the decisions that are relied on by both sides as well as the decisions on the point, we are of the clear opinion that the contention raised in this appeal, that the enquiry stands vitiated by the non-grant of the Preliminary Enquiry Report, cannot be accepted. It is clear that even if the contentions of the appellant are accepted, the appellant has failed to show any prejudice whatsoever that has occurred due to the fact that Shri. Anand Rao had participated in the enquiry as a witness and had marked the documents in the enquiry proceedings. We notice that the appellant had been given a full and fair opportunity to participate in the enquiry and her contentions have also been considered by the Enquiry Officer.

26. In the above factual circumstances, we are of the opinion that the decisions relied on by the learned counsel for the appellant would have no application. The contentions raised in the appeal cannot be accepted. The appeal fails and the same is accordingly ***dismissed***.

All pending interlocutory applications shall stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

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