



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2998 of 2025

Thangavelu
Plot No.15, Kurathiamman Koil Cross Street,
Zamin Royapettah,
Chrompet, Chennai 600 044.

..Appellant(s)

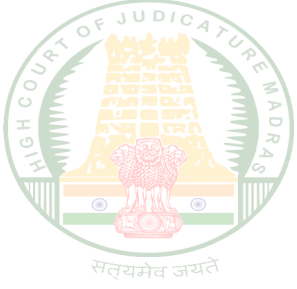
Vs

1. Central Government Industrial Tribunal cum Labour Court
I Floor, B Wing, No.26, Haddows Road
Shastri Bhavan, Chennai 6.
2. The Chief General Manager
State Bank of India Local Head Office,
Chennai 6.
3. State Bank of India Ambedkar Trade Union
Rep. by its General Secretary
Reg. No.2329/MDS 635, Raniammaiyar St,
Periyar Nagar, Chennai 39.

Now having office at
State Bank of India Zonal Office,
3rd Floor No.21, Rajaji Salai, Chennai 1.

..Respondent(s)

Prayer: Appeal filed under Clause 15 of Letters Patent to set aside the order dated 09.08.2019 in WP.No.2432 of 2012 and consequently direct the 2nd Respondent Bank to pay all the arrears of wages and restore the pay scale of the Appellant and pay full wages and other benefits for the period of suspension.



WEB COPY

For Appellant(s):

Mr.Balan Haridas

For Respondent(s):

Mr.S.Ravindran,
Senior Counsel
for Mr.K.Chandrasekaran for R2 & R3

R1 - Tribunal

JUDGMENT**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

The present intra Court Appeal has been instituted by the workman, challenging the writ order dated 09.08.2019 passed in WP No.2432 of 2012.

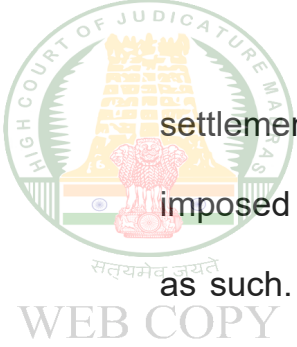
2.The Appellant was holding the post of Assistant in Clearing Section in State Bank of India and retired from service. When he was in service disciplinary proceedings was initiated and a charge memo dated 11.02.2004 framing three charges was issued. The workman submitted his explanation denying the charges. Not satisfied with the explanation, the Disciplinary Authority appointed an Enquiry Officer to conduct domestic enquiry. The domestic Enquiry Officer conducted an enquiry by affording opportunities to the workman and submitted his final report holding that the charges are held proved. The findings of the Enquiry Officer were accepted and the punishment of bringing down to lower stage in the time scale of pay by two stages for 12 years with cumulative effect has been imposed. Challenging the said punishment, the Appellant filed Industrial Dispute No.80 of 2009 before the Central Government Industrial Tribunal cum Labour Court, Chennai. The



Tribunal passed an award on 02.12.2011, holding that the workman is not entitled to any relief. The Appellant challenged the said award before the writ Court and the writ Court in WP No. 2432 of 2012, dismissed the same on 09.08.2019. Thus the present Writ Appeal.

3.Mr.Balan Haridas, learned counsel appearing on behalf of the Appellant would mainly contend that the Appellant is in no way connected with the alleged banking transaction, resulting in the imposition of punishment. The Tribunal has passed a non-speaking order without appreciating the defence statement made by the Appellant before the Tribunal. The writ Court also did not consider the fact that it is a case of no evidence and thus, the present Writ Appeal is to be considered. He would contend that the punishment imposed is without jurisdiction. In this regard, he would rely on the bipartite settlement between the Union and the Bank dated 10.04.2002 and would submit that two punishments under clause ' e ' and ' f ' are amalgamated and therefore, the punishment is liable to be set aside.

4.Mr.S.Ravindran, learned Senior counsel appearing on behalf of the respondent Bank opposed by stating that the proved charges are grave in nature, which relates to banking transactions. The Tribunal considered the evidence placed by the parties and held that the workman is not entitled to any relief. The writ Court also considered these facts and dismissed the writ petition. Regarding the punishment imposed under clause 6 (e) of the bipartite



settlement, the learned Senior Counsel would submit that such punishment imposed is within the ambit of the bipartite settlement and there is no infirmity as such. The punishment cannot be construed as an amalgamation but the period of 12 years with cumulative effect has to be attached along with the punishment of bringing down to lower stage in the time scale of pay by two stages. Therefore, the present writ Appeal is to be rejected.

5.This Court has considered the rival submissions made between the parties to the lis. Regarding the ground raised on behalf of the Appellant that there is no evidence, it would be relevant to consider the appreciation of evidence made by the Tribunal in para 9 of the Award which reads as under:

"9. Contra arguments are that the charges are proved based on oral and documentary evidence coupled with circumstantial evidence. PW1 and PW2 proved the statement given by the workman before the Investigating Officer on 15.12.2001, The statement is admissible. Ex.PEX7-Collection scroll proves tendering of cheque for Rs.3000/- by Mrs. B. Alderson, which as per Ex.PEXS shows no corresponding credit till 14.09.2001 though the amount is to be credited on the same date. Ex.PEX9 shows credit of Rs. 3,000/- in the account of Sukumaran further proved from Ex.PEX.10 whereas Ex.PX16 on 31.07.2001 does not reveal presentation of cheque of Rs. 3,000/-to be so credited indicating the same as an extraneous credit not pertaining to Sukumaran's account. As per Ex.PEX4 letter of Sukumaran the extraneous credit is admitted by him. The information regarding the extraneous credit as mentioned by Sukumaran was from Thangavelu indicating petitioner to have



WEB COPY

had prior knowledge about the said credit. Ex.PEX5 dated 12.07.2002 indicates Thangavelu to have had obtained cheque from Kumaran Travels without mentioning the payee's name, to which Krishnakumar was a witness wherein name of payee was filled-up and the credit voucher for Rs. 3,000/- dated 14.01.2001. Ex.PEX17 in the name of Alderson is in the hand of Thangavelu. Only from Ex.PEX1 deposition of Thangavelu LHO official came to know of M/s Kumaran Travels. PW1 and PW2 bank employees are witnesses to Ex.PEX1 deposition of Thangavelu though not containing the latter's signature. There is no enmity for them towards Thangavelu. PW1 has admitted having written the deposition. Under PEX16 clearing scroll dated 12.09.2001 there is one Rs. 3,000/- drawn on Union, Bank of India credited to SB A/c of Sri Rajendran with no corresponding entry for credit to the account of Smt. Alderson whereas the credit was released on 14.09.2001 to the account of Smt. Alderson. The workman himself admitted having made the wrong credits to Sukumaran s accounts due to heavy routine work, but disowning liability alleging nothing malafide in it. Thangavelu did not object his confession statement that he was intimidated to pay the amount. Only by 14.03.2002 by Ex.W3 he does so. Ex.PEX27, Ex.PEX4 and EX.PEX26 show petitioner to have diverted the credits to Sukumaran's account. It could be seen that overdraft of Thangavelu was overdrawn on most of the days. EX.PEX 3 letter of Niranjana Kumar shows nexus between him and Thangavelu. Ex.PX3 shows his Uncle Thangavelu to have had caused the wrong credit by diversion. The parking of funds in the accounts of Seeniammal and Rani is also attributable to the workman as evident from his statement. That under Police threat he was remitting the amount is not true. The fact that the 13 credit vouchers are not traceable



WEB COPY

and are not forthcoming could obviously for the reason that the wrong doer ensured the vouchers not to be available for later scrutiny who is benefited by them. The employee was in need of money and he resorted to outside borrowings. There is nothing to challenge the enquiry, finding or the punishment imposed. The same is not to be interfered with, the counsel sums up the arguments.”

Though Mr.Balan Haridas would rely on para 10 of the award, it is disputed by the learned Senior counsel Mr.Ravindran that para 9 is based on the evidence and documents produced before the Tribunal and such finding is not disputed. Para 10 is only an observation made by the Tribunal in the context of the documents and evidence recorded and considered by the Tribunal in para 9. Therefore, the case on hand cannot be construed as a case of no evidence, there are some evidences.

6.In departmental disciplinary proceedings, strict proof of evidence is not required. Preponderance of probabilities is enough to punish an employee under the Discipline and Appeal rules. Therefore, the Courts have time and again reiterated that some evidence are sufficient for the disciplinary authority to impose the penalty. If it is a case of no evidence, then alone the Court could interfere, but not otherwise. In the present case, a reading of para 9 would show that the Tribunal considered the evidence and documents marked by the parties which would show that there are some evidence regarding the banking transactions and thus this Court does not find any infirmity in respect



of the penalty imposed.

WEB COPY

7.The next ground raised on behalf of the Appellant is about the amalgam of punishment. Clause 6 of the bipartite settlement dated 10.04.2002 reads as under:

“6. An employee found guilty of gross misconduct may:

(a) ...

(b) ...

(c) ...

(d) ...

(e) be brought down to lower stage in the scale of pay up to a maximum of two stages', or

(f) have his increment/s stopped with or without cumulative effect; or”

8.Reading of clause 6 (e) would show that the punishment of brought down to lower stage in the time scale of pay up to a maximum of two stages may be awarded or the punishment prescribed under (f) may be imposed. Imposing two punishments in respect of a single charge is impermissible and to be construed as excessive. Excessive exercise on imposition of punishment is opposed to law and therefore, in the present case, the authority ought to have imposed any one of the punishments contemplated under clause 6 of the bipartite settlement.

9.The learned senior counsel Mr.Ravindran would submit that the



WEB COPY

respondent has imposed the punishment contemplated under clause 6 (e) of the bipartite settlement. Taking note of the said submission, this Court is of the considered view that the punishment imposed under clause 6 (e) along with cumulative effect is to be construed as an amalgamation of punishments and therefore, the “cumulative effect” imposed along with the punishment contemplated under clause 6 (e) is set aside. However, the punishment imposed under clause 6 (e) to the effect that bringing down to lower stage in the time scale of pay by two stages for 12 years alone is confirmed.

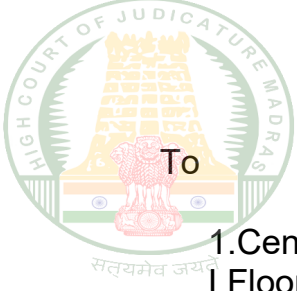
10. In view of the above position, the Appellant is entitled to receive all other regular increments and other benefits as admissible under the Service Rules. Therefore, the respondent is directed to rework the punishment and accordingly ensure that all other eligible benefits due to the Appellant are settled within a period of twelve weeks from the date of receipt of a copy of this order.

11. With the above modifications in respect of the punishment imposed on the appellant, the present Writ Appeal stands disposed of. No costs.

(S.M.S.,J.) (N.S.,J.)
13-07-2026
(½)

Index: Yes
Speaking order
Neutral Citation: Yes/No

sai



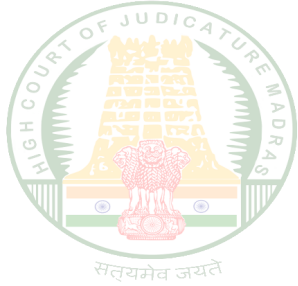
To

1. Central Government Industrial Tribunal cum Labour Court
I Floor, B Wing, No.26, Haddows Road
Shastri Bhavan, Chennai 6.

2. The Chief General Manager
State Bank of India Local Head Office,
Chennai 6.

3. State Bank of India Ambedkar Trade Union
Rep. by its General Secretary
Reg. No.2329/MDS 635, Raniammaiyar St,
Periyar Nagar, Chennai 39.

Now having office at
State Bank of India Zonal Office,
3rd Floor No.21, Rajaji Salai, Chennai 1.



WEB COPY

WA No. 2998 of 2



S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.
sai

WA No. 2998 of 2025

13-07-2026
($\frac{1}{2}$)