

WEB COPY



W.P.No.14020 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 01.07.2026

Pronounced on : 10.07.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.14020 of 2010

K.Sridhar

... Petitioner

vs

1. Central Bank Of India
Rep. By its General Manager
Zonal Officer
48/49, Montieth Road
Egmore, Chennai – 600 008.

2. Deputy General Manager (Appellate Authority)
Central Bank Of India
Zonal Office, Bank Street
Hyderabad – 500 195.

3. Assistant General Manager
Central Bank Of India (Disciplinary Authority)
Central Office, Chandramuki
Narimanpoint
Mumbai – 400 021.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus after calling for the concerned records from the respondents quash the order of the 1st respondent dated 13.04.2010 bearing ref.No.ZO:GM(SK): 2010-11:218, the order of the 2nd



W.P.No.14020 of 2010

respondent dated 11.02.2002 bearing ref.No.Zo:PRS:DAW:AA:2001-02:3497 and the order of the 3rd respondent dated 08.10.2001 bearing ref.No.CO:PRS:AGM-TB:2001-02 and consequently direct the respondents to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits and pass such other orders or directions.

For Petitioner : Mr.Balan Haridass.
For Respondents : M/s.Anil Relwani

ORDER

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents and perused the records.

2. Challenge in the present writ petition is primarily to the order of the 3rd respondent dated 08.10.2001, by which the petitioner was dismissed from service of the 1st respondent / Bank which order was upheld by the 2nd respondent in appeal vide order dated 11.02.2002 and further affirmed by rejection of review by the 1st respondent vide order dated 13.04.2010.

3. The brief facts of the case of the petitioner are that he had joined the service of the 1st respondent / Bank as Agricultural Finance Officer on 25.10.1986 and had worked as Branch Manager in the Gudiyatham Branch of the respondent /



W.P.No.14020 of 2010

Bank from 22.12.1994 to 22.05.1999; that thereafter he had worked in Ooty and

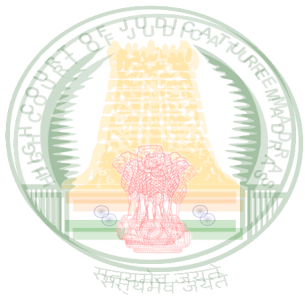
Coimbatore; that the 3rd respondent issued with charge memo dated 23.05.2000

alleging certain irregularities having been committed by him in relation to

advancing of loans while working at Gudiyatham Branch; that he had submitted

his explanation dated 12.06.2000 denying the charges.

4. It is the further case of the petitioner that the 3rd respondent not being satisfied with the explanation, initiated Domestic enquiry in respect of the charges; that initially he was issued with the charge memo dated 23.05.2000, containing 6 charges; that the 3rd respondent by way of addendum dated 03.08.2000 had added two more charges; that the enquiry commenced from 22.12.2000 and was held on various dates; that on conclusion of the enquiry, the enquiry officer submitted his report to the 3rd respondent; that the 3rd respondent had forwarded the report of the enquiry officer to him under the cover of letter dated 12.06.2001; that as per the findings in the enquiry report, the Charges 1, 2, 4 and 6 were held to be fully proved, while Charge No.3 was held to be partly proved and Charge No.5 was held as not proved.



W.P.No.14020 of 2010

5. The petitioner contends that the findings of the enquiry officer were grossly perverse and contrary to the findings on record; that the 3rd respondent while furnishing the copy of the enquiry report and seeking his explanation thereon vide letter dated 12.06.2001 had already indicated his mind by stating that he is in agreement with the findings of the enquiry officer; that the 3rd respondent while seeking his explanation on the findings of the enquiry officer having indicated that the disciplinary authority is in agreement with the findings of the enquiry officer, only goes to show the predetermined approach of the 3rd respondent; and that seeking an explanation on the report /findings of the enquiry officer is only to complete procedural formality to claim that he had been given an opportunity to submit his explanation, as the explanation would serve no purpose, on account of 3rd respondent indicating his mind already.

6. It is the further case of the petitioner that notwithstanding the aforesaid fact of 3rd respondent indicating his mind already, he had submitted his explanations to the findings of the enquiry officer as to how the said findings are perverse and contrary to the findings on record; that the 3rd respondent, without considering the objections raised in correct perspective, in a mechanical manner



W.P.No.14020 of 2010

had held that the findings of the enquiry officer are correct, and imposed penalty of dismissal from service in respect of proved Charges No.1, 2 & 6 and punishment of reduction in time scale of pay in respect of Charges No.3, 4 and 5 vide his order dated 08.10.2001.

7. The petitioner contended that aggrieved by the aforesaid order of the 3rd respondent dismissing him from service alleging proved charges of misconduct, even though no loss has been caused to the respondents / Bank, he had preferred an appeal to the 2nd respondent on 25.11.2001 raising various points in the ground in detail; and that the 2nd respondent without considering the grounds raised has summarily rejected the appeal by order dated 21.02.2002.

8. Since, regulation 18 of the respondents / Bank Regulations namely Central Bank of India Officers Employees (Disciplinary and Appeal) Regulations 1976 provided for review, he had preferred review to the 1st respondent on 12.04.2002; that as the 1st respondent failed to take up the review and dispose of the same expeditiously, he had approached this Court by filing the writ petition in WP.No.24032 of 2009, to direct 1st respondent to pass orders on review



W.P.No.14020 of 2010

application; that this Court by an order dated 06.01.2010 had directed the 1st

respondent to pass orders on review application on merits and in accordance with law within a period of 12 weeks; that the 1st respondent thereafter had passed an order dated 13.04.2010 rejecting the review application filed by him against the order of the 3rd respondent, as affirmed by the 2nd respondent in appeal, in most arbitrary manner.

9. It is also the further case of the petitioner that during his entire tenure of service with the respondents / Bank he has been awarded with appreciation letters in whichever branch he had worked including Gudiyatham Branch, wherein the respondents have alleged of he advancing loans contrary to the procedures and rules; that the business of the Gudiyatham Branch had increased manifold during his tenure from 1994-1999 with raise in deposits by 5 times from 83.5 Lakhs to 456.12 Lakhs, and the operations of the Bank which were in loss, when he joined, turned to profitable on account of efforts made by him to secure business to the respondents / Bank; that on account of his efforts as Branch Manager, there is an increase in collection of deposits of the respondents / Bank; that the respondents without taking note of the aforesaid fact and infact without noting there is no



W.P.No.14020 of 2010

financial loss that was caused on account of his alleged misconduct, visited him with the order of punishment of dismissal from service which is wholly uncalled for and disproportionate.

10. Contending as above, the petitioner sought for setting aside the impugned order with a consequential benefits of reinstatement into service and to grant of monetary benefits.

11. In support of his contentions reliance has been placed on the following decisions :-

(i) 2025 Supreme (SC) 134 – The General Manager

Personnel Syndicate Bank & others V. B.S.N.Prasad.

(ii) 1993 Supreme (SC) 906 – Managing Director,

ECIL, Hyderabad v. B.Karunakar.

12. Counter affidavit has been filed on behalf of the respondents.

13. The respondents by the counter affidavit mainly contended that



W.P.No.14020 of 2010

though the business of the Respondents / Bank in the form of deposits had increased, it is not due to the efforts of the petitioner, but is on account of general growth in the area, for which the petitioner cannot take the credit for himself; that the petitioner had misconducted himself while granting advances without following the respondents / Bank norms by verifying as to whether the persons to whom advances are extended were defaulters in respect of the earlier loans /advances availed by them or not; that the petitioner had granted second loan to one of the borrower while first loan is subsisting without exercising proper care and caution; that the explanation of the petitioner of the photograph of the borrower missing from the loan sanction form where two loans were sanctioned to the same person cannot be accepted as valid defence without repayment of the earlier loan; that the petitioner had also granted loans and advances to the persons who are outside the area of coverage of the Respondents/ Bank, thereby exposing the said advances / loans to the risk of default; that the petitioner had also suppressed the sanction of loan to his father while he being the Branch Manager at Gudiyatham Branch; that the subsequent recovery of dues by the Respondents / Bank does not wipe out the misconduct already committed by the petitioner while sanctioning the loans / advances nor does it validate the actions taken by the



W.P.No.14020 of 2010

petitioner contrary to respondents / Bank prescribed norms.

WEB COPY

14. The respondents by the counter affidavit also contended that it is for the said reason, the 3rd respondent had issued charge memo and not being satisfied with the explanation submitted by the petitioner, appointed an enquiry officer, that the enquiry officer conducted the enquiry in accordance with the respondents regulations and by affording an opportunity to the petitioner; that the enquiry officer after considering the documentary evidence and records relating to loans accounts found some of the charges are totally proved and one charge as partly proved and one charge i.e, Charge No.5 as not proved.

15. The respondents also contended that the claim of the petitioner of the enquiry officer relying upon the material behind his back is not correct as all the documents that were relied upon on behalf of the respondent management of the Bank were produced during the enquiry and the petitioner was afforded sufficient opportunity to inspect the records and cross examine the witnesses and produce his defence, and at no stage, the petitioner disclosed any material to be relied upon by him; that the position of the Branch Manager occupied by the petitioner is a



W.P.No.14020 of 2010

position of trust; that the petitioner is expected to ensure strict compliance with the Bank's lending policy, as it is public funds that are disbursed in the form of loans; that despite the petitioner being cautioned of violation by him in adhering to the Bank lending policy, he continued in the same manner; and thus, failed to discharge his duties with integrity, diligence, devotion expected of a responsible officer of the respondents / Bank.

16. The respondents contended that the proved misconduct against the petitioner is not an isolated procedural lapse, but is a continued violation of the respondents/bank policy which are to be mandatorily adhered to while discharging the duties and that the cumulative effect of the misconduct, clearly justifies the initiation of disciplinary proceedings and the punishment awarded being in proportionate to his proved misconduct.

17. The respondents further contended that the disciplinary authority independently considered the findings of the enquiry officer and the explanation submitted by the petitioner thereto before passing the order of dismissal; that similarly the Appellate Authority independently considered the appeal filed by the



W.P.No.14020 of 2010

petitioner against the order of the 3rd respondent and found no ground to interfere with the said order; that the first respondent also considered the review petition on merits and rejected the same; that the petitioner having availed all the opportunities provided under the regulations, cannot lay a challenge to the said proceedings without establishing any malafide, bias or procedural irregularity or the violation of statutory regulations either in relation to initiation and conduct of disciplinary proceedings.

18. On behalf of the respondents it is also contended that the entire challenge in the present writ petition is directed against the appreciation of evidence by the disciplinary authority, that such an exercise is outside the scope of judicial review under Article 226 of the Constitution of India, more particularly when the enquiry has been conducted fairly and findings are based on evidence and the punishment has been imposed by the competent authority and the same is also not being disproportionate to the proved articles of charge, warranting interference by this Court.

19. Contending as above, the respondents seeks for dismissal of the writ

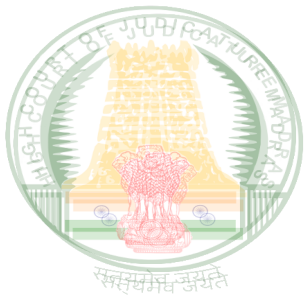


W.P.No.14020 of 2010

WEB COPY

20. The learned counsel for the petitioner in reply submitted that though the petitioner at the time of filing the present writ petition had sought for reinstatement into service, due to passage of time and the petitioner having crossed the age of superannuation, he is continuing his challenge to the correctness of the order passed, which in the event of being accepted by this Court, would result in the petitioner being entitled to be granted monetary benefit.

21. The learned counsel for the petitioner further submitted that though the challenge in the writ petition is to the order by which the petitioner was removed from the service, in the event of this Court coming to a conclusion, that the said order does not warrant any interference, the respondents be directed to release the Provident Fund Contribution made by the petitioner while he was in service, in order to avoid multiplicity of proceedings before this Court and to do complete justice and prevent manifest injustice meted out to petitioner, though, such a relief is not sought for in the writ petition.



W.P.No.14020 of 2010

22. I have taken note of the respective contentions urged.

WEB COPY

23. At the outset in a challenge to an order of Disciplinary Authority as affirmed in Appeal and also confirmed by the Reviewing Authority, the Court in exercise of writ jurisdiction under Article 226 of the Constitution of India, does not act as Second Court of First Appeal. The scope of judicial review is limited only to examine as to whether the Disciplinary proceedings are conducted in accordance with the statutory regulations, adherence to principle of natural justice; procedural fairness; and that the punishment awarded is disproportionate to the proved charges, shocking the conscious of the Court.

24. Further, in a Disciplinary proceeding, the disciplinary authority is only required to consider as to whether based on the material available the employee can be said to have committed an act of misconduct, due to which the employer has lost confidence in the employee. Once, the employer has lost confidence particularly in respect of the person holding the position of trust and confidence, the fact of misconduct is sufficient for such employee to be removed from service, and it is not necessary that the employer should suffer financial loss

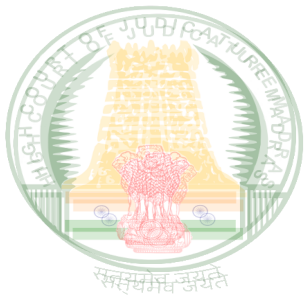


W.P.No.14020 of 2010

due to such misconduct. (See – ***State Bank of India and another V. Bela Bagchi and others*** – 2005 (7) SCC 435).

25. The purpose or object of disciplinary proceedings against an employee is to ascertain as to whether an employee concerned is suitable to be retained in service or the employer has lost confidence in the employee and such loss of confidence is bonafide. (See – ***General Manager (Operations), SBI and another Vs. R.Periyasamy*** – 2015 (3) SCC 101)

26. It is settled position of law that in disciplinary proceedings and awarding of punishment to a delinquent employee, the disciplinary authority is the sole judge of the facts, and if the findings are based on some evidence, the Court should not interfere with the order of the disciplinary authority, as adequacy or even reliability of the evidence on the basis of which the disciplinary authority had arrived at a conclusion is outside the scope of Judicial review of the High Court to reappreciate or reevaluate the evidence to arrive at independent findings on the evidence and what is required to be seen is “preponderance of probabilities” not “beyond reasonable doubt” as required in criminal proceeding prosecution.



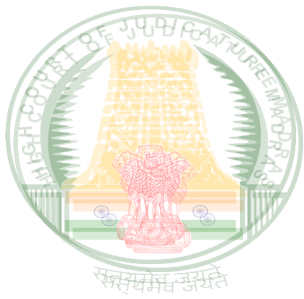
W.P.No.14020 of 2010

27. The Hon'ble Apex Court in the case of ***Union of India V.***

P.Gunasekaran – 2015 (2) SCC 610 had held that by reappreciating the evidence, the High Court cannot act as Appellate Authority in a Disciplinary Proceedings. The Hon'ble Apex Court while holding as above had laid down the parameters with regard to what the High Court can see / consider and what the High Court shall not consider, which are as under :-

“12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*



W.P.No.14020 of 2010

(d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;

(e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;

(f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;

(g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;

(h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;

(i) the finding of fact is based on no evidence.

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

(i) reappreciate the evidence;

(ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;

(iii) go into the adequacy of the evidence;

(iv) go into the reliability of the evidence;

(v) interfere, if there be some legal evidence on which findings can be based.

(vi) correct the error of fact however grave it may appear to be;

(vii) go into the proportionality of punishment unless it shocks its conscience.”

28. The Hon’ble Apex Court on the scope of judicial review in **SBI v.**



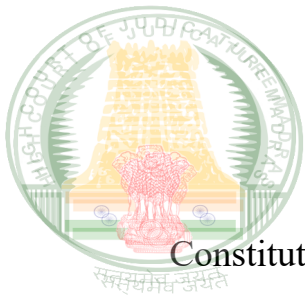
W.P.No.14020 of 2010

Ajai Kumar Srivastava – 2021 (2) SCC 612 had observed as under :-

WEB COPY

“28. The constitutional court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.

29. Thus, any endeavor by this Court to consider the rival contentions urged by considering the evidence, examining of documents marked in the course of enquiry proceedings and also examination as to whether the enquiry officer could have record his findings based on the said evidence and documents and the disciplinary authority based on the said findings could have taken action, would firstly, amount to this Court reappreciating the evidence and secondly, the Court replacing its view to that of the enquiry officer and disciplinary authority, amounts to this Court conducting mini trial in a writ petition filed under Article 226 of the



W.P.No.14020 of 2010

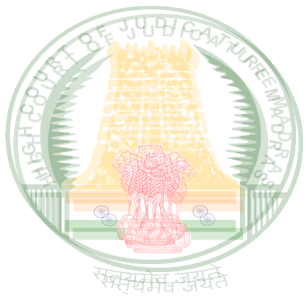
Constitution of India, which is not permitted in law.

WEB COPY

30. The Hon'ble Apex Court in the case of ***State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya - 2011 (4) SCC 584*** had held that the Court will not act as Appellate Authority and reassess the evidence let in the domestic enquiry nor interfere on the ground that another view is possible and the material on record and it is only required to be considered as to whether the “evidence is acceptable evidence” or “not”.

31. The Hon'ble Apex Court in ***S.R. Tewari v. Union of India – 2013 (6) SCC 602*** had referred to the view taken earlier reading as under :-

“23. The Court must keep in mind that judicial review is not akin to adjudication on merit by reappreciating the evidence as an appellate authority. Thus, the court is devoid of the power to reappreciate the evidence and come to its own conclusion on the proof of a particular charge, as the scope of judicial review is limited to the process of making the decision and not against the decision itself and in such a situation the



W.P.No.14020 of 2010

WEB COPY

court cannot arrive on its own independent finding vide (i)High

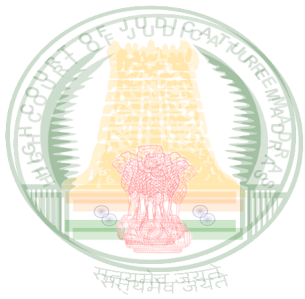
Court of Judicature of Bombay V. Udaysingh – (1997) 5 SCC

129; (ii)State of A.P. v. Mohd. Nasrullah Khan - (2006) 2

SCC 373 and (iii) Union of India v. Manab Kumar Guha -

(2011) 11 SCC 535.

32. Insofar as the present case is concerned, though the petitioner had claimed that the enquiry officer having relied on certain documents and evidences behind his back, which has not been furnished to him; the petitioner in the course of conducting enquiry did not raise any objections to any of the documents that have been produced on behalf of the respondents/ Bank to establish the charges levelled against the petitioner. On the other hand, the petitioner had took part in the enquiry proceedings and cross examined the witnesses examined on behalf of the respondents / Bank. Thus, the petitioner was provided with sufficient opportunity and the enquiry proceedings were conducted by maintaining procedural fairness. (See – *Uttarkand Transport Corporation V. Heera Singh Pariker – 2020 (20) SCC 677*)



W.P.No.14020 of 2010

33. Further, the petitioner also does not allege violation of any statutory regulations. Thus, the scope of judicial review in the facts of the present case is limited only to see as to whether the punishment imposed on the petitioner to the proved charges is so harsh shocking to the conscious of the Court.

34. Since, in the facts of the present case, the 3rd respondent authority having initiated disciplinary action against the petitioner for granting loans / advances contrary to the respondents / Bank policy and the petitioner having not been able to establish that granting of such loans / advances is strictly in accordance with the laid down policy / procedure of the respondents, such act would amount to misconduct. Once misconduct is proved, it is the disciplinary authority who is vested with the power to take action. Thus, the present case, the disciplinary authority having come to a conclusion that the petitioner despite being cautioned earlier not to violate the norms and procedure of the Bank in relation to grant of loans, having continued to act in violation of the respondents/ Bank rules and regulations, exposing the respondent/Bank to risk of such loans and advances becoming bad debt / default, the mere fact of the respondents / Bank being able to recover such loans and advances cannot wipe away the risk to which it was

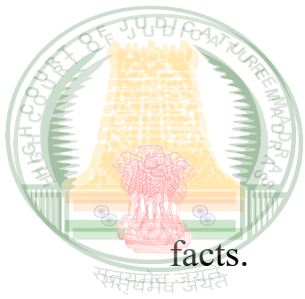


W.P.No.14020 of 2010

exposed to on account of breach committed by the employee / petitioner. As the respondents deal with public money and funds, its officer /employees are required to adhere to the procedural guidelines issued for grant of loans and any deviation, leads to erosion of public trust in the financial institutions, thereby affecting the existence of the institution itself.

35. It is for the said reasons any breach by officer or employee who are required to meticulously and scrupulously follow the procedural guidelines would have to be considered as misconduct.

36. That being so, since, the 3rd respondent having found the petitioner acting in breach of procedural guidelines and visiting him with the order of dismissal from service on account of proved charges of misconduct and the said order having been affirmed by the appellate authority as well as in review, this Court cannot venture to reexamine the correctness or otherwise of the said order on facts and hold that the said act is neither a misconduct nor the said misconduct is so grave warranting the punishment imposed by the disciplinary authority who is the best judge to take a decision as to the punishment to be awarded based on the



W.P.No.14020 of 2010

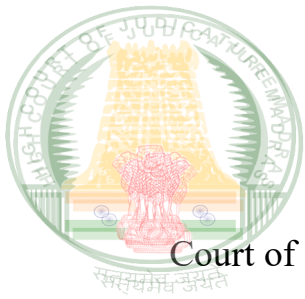
facts.

WEB COPY

37. In the given facts, the disciplinary authority having concluded that the petitioner to be awarded with punishment of dismissal from service on account of proved misconduct, which order has also been approved by the appellate authority and reviewing authority, this Court is of the view that the said order does not neither shock the conscious of this Court nor suffer from any procedural error or infirmity or violation of principles of natural justice, warranting interference.

38. However, this Court having found no reason to interfere with the orders of the disciplinary authority as confirmed in appeal and review, the other submission made by the petitioner with regard to refund of the Provident Fund contribution made by the employee while in service, remains to be considered.

39. Though, the learned counsel for the respondents had vehemently contended that in absence of any specific plea being taken in the writ petition he is not in a position to make his submission as to why the said contribution was not refunded to the petitioner, having regard to the fact that it is not shown to this



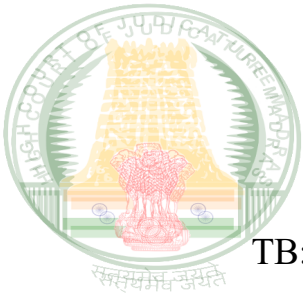
W.P.No.14020 of 2010

Court of any proceedings having been initiated to recover any alleged loss suffered by the respondent / Bank, this Court is of the view that the petitioner is entitled to seek refund of Provident Fund contribution made by him while he was in service.

40. However, it is to be noted that an employee on joining service is required to become a member of Provident Fund and is allotted number by the Provident Fund authority and any contribution made by him would be credited to the said account of the employee. Thus, the petitioner would be entitled to seek refund of contribution made by him from the Employees Provident Fund directly along with the cumulative interest accumulated thereon.

41. In view of the above discussion, the writ petition is disposed of in the following manner:

(i) The order of the first respondent dated 13.04.2010 bearing reference No.ZO:GM(SK):2010-11:218, the order of the second respondent dated 11.02.2002 bearing Ref.No.Zo:PRS:DAW:AA:2001-02:3497 and the order of the third respondent dated 08.10.2001 bearing Ref.No.CO:RPS:AGM-



W.P.No.14020 of 2010

TB:2001-02 are sustained.

WEB COPY

(ii) If the petitioner approaches the respondents and submits an application for refund of the Provident Fund contribution made by him while in service, the respondents shall forward the same to the concerned Provident Fund Authorities for withdrawal and disbursal of the petitioner's contribution along with accumulated interest thereon.

(iii) In the event, the respondent Bank had withdrawn the contribution made to the Provident Fund Account in its entirety, including the petitioner's contribution, the respondent Bank shall refund the petitioner's share of the Provident Fund contribution along with 8% interest from the date it had withdrawn the said provident fund from the concerned authority till the date of his actual repayment to the petitioner. No order as to costs.

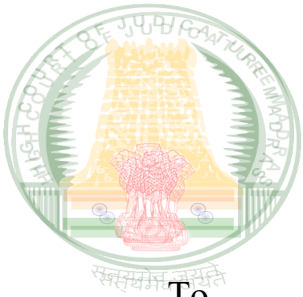
10.07.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

tsh



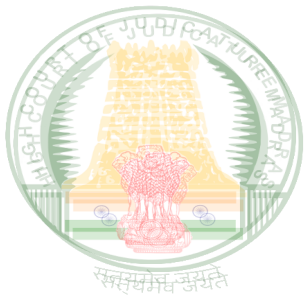
W.P.No.14020 of 2010

To
WEB COPY

1. Central Bank Of India
Rep. By its General Manager
Zonal Officer
48/49, Montieth Road
Egmore, Chennai – 600 008.

2. Deputy General Manager (Appellate Authority)
Central Bank Of India
Zonal Office, Bank Street
Hyderabad – 500 195.

3. Assistant General Manager
Central Bank Of India (Disciplinary Authority)
Central Office, Chandramuki
Narimanpoint
Mumbai – 400 021.



WEB COPY



W.P.No.14020 of 2010

T. VINOD KUMAR, J.

tsh

Pre-delivery order made in
W.P.No.14020 of 2010

10.07.2026