



WEB COPY

WP No. 15866 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 15866 of 2016

S.Gunasekar
No.635, Rani Ammaiyar Street,
Periyar Nagar, Chennai-600 082.

..Petitioner

Vs

State Bank of India
Rep. by its Regional Manager-RBO-I,
No.86, Rajaji Salai, Chennai-600 001.

..Respondent

PRAYER: This Writ petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus, calling for the concerned records from the respondent, quash the order of the respondent dated 20.11.2015 bearing No. AGM/1232 and the order dated 08.01.2016 bearing AGM/1/1437 in so far as denial of promotion to Junior Management Grade Scale I from 2006 as illegal, arbitrary, contrary to law and consequently direct the respondent to promote the petitioner to the post of Junior Management Scale Grade I from the year 2006 and subsequent eligible relevant promotions to the higher grades thereon with all monetary benefits and attendant benefits.

For Petitioner:

Mr.R.Kamatchi Sundaresan,

For Respondent:

Mr. Chevanan Mohan, assisted by Ms.A.Rexy
Josephine Mary for
M/S King & Partridge for Respondent



Order

WEB COPY

This writ petition has been filed challenging the order passed by the respondent dated 20.11.2015 bearing No. AGM/1232 and the consequential order dated 08.01.2016 bearing No. AGM/1/1437, whereby the writ petitioner was denied promotion to Junior Management Grade Scale-I from the year 2006, which is alleged to be illegal and arbitrary.

2. The writ petitioner joined the respondent Bank as a Cashier on 30.11.1978 and was working as a Special Assistant from 01.08.2003. Four charges were framed against the writ petitioner. When the charge sheet was challenged on 10.03.2007, the Bank had also filed a suit in C.S. No. 132 of 2007, which was subsequently transferred and renumbered as O.S. No. 6872 of 2015 on the file of the VI Additional City Civil Court, Chennai and the same was decreed in favour of the Bank.

3. The writ petitioner had also challenged the charge sheet by filing W.P. No. 10925 of 2007, which came to be dismissed on 27.09.2007. Aggrieved by the same, the writ petitioner preferred a writ appeal in W.A. No. 356 of 2008, which was allowed and consequently the charge sheet dated 10.03.2007 was quashed.



4. The charge against the writ petitioner is that, being an office bearer of the State Bank of India Ambedkar Trade Union, he had issued pamphlets which were detrimental to the interests of the Bank, with an intention to defame the Bank and cause damage to its business and reputation. The contents of the pamphlet are extracted below:

“ஸ்டேட் பாங்கில் வேலியே பயிரை மேய்கிறது !

ஆதிகாரிகளே பொதுமக்கள் பணத்தை அபேஸ் செய்யலாமா?

ரூபாய் 5 இலட்சம்- சேலம் கிளையில் மோசடி

ரூபாய் 6 இலட்சம்- இராசிபுரம் கிளையில் மோசடி

ரூபாய் 5.5 இலட்சம்- அமைந்தகரை கிளையில் மோசடி

ரூபாய் 5 இலட்சம்- குளித்தலை கிளையில் மோசடி

இன்று

முதலில் ரூ.6 இலட்சம்- அவினாசி கிளை

பின் ரூ.1 இலட்சம் - அவினாசி கிளை

இப்போது ரூ.30 இலட்சம் அவினாசி கிளை

தலைமை பொது மேலாளர் பிரதிப் செளத்ரியே

தார்மீக பொறுப்பேற்று உடனடியாக இராஜினாமா செய்!

ஸ்டேட் பாங்கு ஆப் இந்தியா அம்பேத்கார் தொழிற்சங்கம்-

சென்னை வட்டாரம்”

5. After dismissal of the writ petition, the Division Bench of this Hon'ble Court, by an order dated 01.07.2015 in W.A. Nos. 336, 356 and 357 of 2008 (batch), passed the following order:

“86. We are actually left with two options, namely either to uphold the findings in the ex parte enquiry in relation to these minor acts of misconduct and to allow Bank to impose any one of the minor penalties as stipulated in clause (8). Alternatively, we could



ourselves impose a minor penalty taking into consideration the bad blood that has run between this trade union and the management.

87. We would prefer to exercise the first option, namely that of merely upholding the findings of the enquiry officer in relation to charges that are not quashed by the learned Judge, namely those charges that fall under clauses 7(b), 7(c) and 7(e) of the Memorandum of Settlement and allow the Bank to impose any of the minor penalties that they can impose under clause (8). This is in view of the settled position in law, as pointed out by the Supreme Court in Kshetriya Gramin Bank v. Rajendra Singh [2013 (9) SCC 372], which was later referred to and followed in Life Insurance Corporation of India and ors v. S.Vasanthi [2014 (9) SCC 315].

88. Therefore, in the result, W.P.No.3267 of 2015 is allowed setting aside the order of penalty of dismissal from service and directing the bank to reinstate the writ petitioner with all consequential benefits including backwages. However, it will be open to the disciplinary authority to impose a suitable penalty in terms of clause 8 of the Memorandum of Settlement, for the acts of misconduct that now survive in relation to clauses 7(b), 7(c) and 7 (e) of the Memorandum of Settlement.

89. In the result,

(i) Writ Appeal Nos.336, 356 & 357 of 2008 will stand allowed

(ii) Writ Appeal No.224 of 2015 will stand dismissed as liberty to the petitioner to give representation.

(iv) Writ Appeal No.1657 of 2014 will stand dismissed.

(v) Writ Petition No.3267 of 2015 will stand allowed to the extent indicated above. The order of the dismissal dated 6.2.2015 will stand revoked with a further direction to the bank to reinstate the employee with all consequential benefits including back wages within 4 weeks. It will be open to the Bank to proceed further with the disciplinary action, by taking the charges under clauses 7 (b), 7 (c) and 7(e) as proved and to impose any of the penalties stipulated in clause 8 of the Memorandum of Settlement dated 10.4.2002



(vi) All miscellaneous petitions will stand closed.

(vii) The direction in para (v) will be carried out within four weeks from the date of receipt of the order.

(viii) The parties are allowed to bear their own costs.

6. In the result portion, at point No. 4, the Hon'ble Division Bench has categorically held that it would be open to the Bank to proceed further with the disciplinary action by treating the charges under Clauses 7(b), 7(c) and 7(e) as proved and to impose any of the penalties stipulated under Clause 8 of the Memorandum of Settlement dated 10.04.2002. The order of dismissal dated 06.02.2015 was set aside, and the Bank was directed to reinstate the writ petitioner with all consequential benefits, including back wages, within a period of four weeks. Thereafter, the writ petitioner made a representation to the respondent Bank and by communication dated 08.01.2016, the respondent informed the writ petitioner that he was not entitled to promotion as claimed in his letter dated 05.01.2016. Challenging the same, the present writ petition has been filed.

7. Mr. Chevanan Mohan, learned counsel appearing for the respondent Bank submitted that pursuant to the directions of the Hon'ble Division Bench of this Court, there were subsequent developments, which have been set out in Cont.P. No. 1725 of 2017 filed by the writ petitioner. It is stated that the writ



petitioner had once again issued pamphlets in the year 2015, allegedly defaming the Bank, and therefore fresh charges were initiated.

WEB COPY

8. According to the respondent, separate charge sheets were issued on 19.02.2014 and 13.05.2016, which are still pending. It is further submitted that as per the promotion policy of the Bank, more particularly the e-circular dated 06.12.2008, the debarment policy is applicable to all promotions. Clause (vi) reads as follows:

“(vi) The existing debarment policy will be applicable to all promotions. An employee debarred for promotion as a result of disciplinary action (contemplated/pending/concluded) will not be considered for promotion until the period of rigour is over.”

9. Placing reliance on the above, the learned counsel for the respondent contended that since disciplinary proceedings are pending against the writ petitioner, he is not entitled to the relief sought.

10. The point for consideration is whether the writ petitioner is entitled to the relief as prayed for, in light of the directions issued by the Division Bench of this Hon'ble Court.

11. A perusal of the judgment of the Division Bench makes it clear that the Bank was permitted to proceed further only in terms of the Memorandum of Settlement dated 10.04.2002, by treating certain charges as proved and imposing penalties accordingly. However, the respondent Bank has relied upon



the debarment policy contained in the e-circular dated 06.12.2008 to deny promotion.

WEB COPY

12. It is the case of the writ petitioner that he retired from service on 30.09.2016 and is seeking notional promotion. Even after the lapse of several years, neither notional promotion has been granted nor have the subsequent charges dated 19.02.2014 and 13.05.2016 been concluded. It is further brought to the notice of this Court that the third charge sheet dated 13.05.2016 was challenged by the writ petitioner in W.P. No. 26780 of 2016, wherein, by an order dated 20.09.2016, this Court recorded the affidavit of the writ petitioner tendering unconditional apology for the contents of the pamphlets and directed payment of a sum of Rs. 25,000/-, thereby bringing the issue to a quietus.

13. In view of the above, this Court is of the considered opinion that the respondent Bank has not proceeded strictly in terms of the directions issued by the Division Bench and has instead relied upon the debarment policy to deny promotion. Accordingly, the writ petitioner is entitled to the relief sought.

14. In fine, the writ petition is **allowed**. The respondent Bank is directed to grant notional promotion to the writ petitioner from the year 2007 and settle all consequential monetary and service benefits .

15. The learned counsel for the respondent Bank fairly submitted that a sum of Rs. 32,74,610/- has already been calculated and paid to the writ



petitioner as terminal benefits. However, the learned counsel for the writ petitioner submitted that the said calculation was made treating him as clerical

staff, and that the notional promotion benefits have not been taken into account.

Therefore, the respondents are directed to re-calculate the benefits by including notional promotion and disburse the same to the writ petitioner within a period of two months from the date of receipt of a copy of this order.

16. This Court also places on record its appreciation for the fair submissions made by the learned counsel for the respondent. At the same time, this Court observes that the conduct of the writ petitioner in issuing defamatory pamphlets and causing inconvenience to officials, including a medical practitioner, is unwarranted. Being an employee of the Bank, he is expected to adhere to the applicable rules, regulations, and discipline.

With the above observations and directions, this Writ Petition is **allowed**.

No costs.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

JRS



WEB COPY

WP No. 15866 of 2



N.SENTHILKUMAR J.

JRS

To
The Regional Manager-RBO-I,
State Bank of India
No.86, Rajaji Salai, Chennai-600 001.

WP No. 15866 of 2016

16-04-2026