

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WA.No. 172 of 2010 () IN OP.32466/2002

AGAINST THE JUDGMENT IN OP 32466/2002 DATED 30-10-2009

APPELLANT(S)/PETITIONER IN THE O.P :-

T.C.SUGEETHA, AGED 51 YEARS, W/O.VIJAYAKUMAR,
CLERK/CASHIER, UNION BANK OF INDIA, NAGAPADAM
BRANCH, (UNDER ORDERS OF DISMISSAL FROM SERVICE)
REPRESENTED THROUGH HER POWER OF ATTORNEY
C.J.NANDAKUAR, ACHUTHALAYAM, EROOR SOUTH P.O.,
TRIPPUNITHURA, ERNAKULAM.

BY ADVS.SRI.M.R.SUDHEENDRAN
SRI.M.R.HARIRAJ
SRI.SURAJ.S
SRI.NIRMAL V NAIR

RESPONDENT(S)/RESPONDENTS IN THE OP :-

1. UNION BANK OF INDIA, REPRESENTED BY ITS
GENERAL MANAGER, (PERSONNEL), CENTRAL OFFICE
UNION BANK OF INDIA, VIDHAN BHAVAN MARG
MUMBAI - 400021.
2. THE ASST.GENERAL MANAGER, UNION OF
INDIA, REGIONAL OFFICE, THIRUVANANTHAPURAM.

BY SRI.A.S.P.KURUP, SC, UBI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.172 of 2010

Dated this the 15th day of July 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard.

2. This writ appeal has been filed against the judgment dated 30.10.2009 in O.P.No.32466 of 2002. The petitioner had filed the writ petition praying for quashing Ext.P9, the charge-sheet, Ext.P13, the final order passed in respect of the enquiry into the charges levelled against the petitioner and Ext.P15, the order of the appellate authority confirming the dismissal of the petitioner from service on account of unauthorised absence. The petitioner, who was working as Clerk/Cashier in the Bank had availed leave for the period from 12.6.2000 to 8.12.2000 and went abroad during the said period. Petitioner's case is that during the said period, the Bank introduced Ext.P1 Scheme, by which, the employees of the Bank were provided five years leave, who have ten year service on their credit. It is submitted that the petitioner while continuing on leave, had made Ext.P2 application for grant of leave under the said Scheme, which was not granted. When the petitioner did not join the service after the expiry of the

sanctioned leave, the Bank had initiated disciplinary proceedings against the petitioner. The petitioner did not participate in the said proceedings. After receipt of the enquiry report, the petitioner was dismissed from the service, against which, she filed an appeal, which too was dismissed.

3. Learned counsel for the appellant submits that as the petitioner is entitled for leave as per Ext.P1 Scheme, she made an application for leave for five years. It is submitted that the said application was not considered under the said Scheme and the Bank, in the enquiry did not consider the said aspect.

4. We have considered the submissions and perused the records.

5. The memo of charges were issued to the petitioner alleging gross misconduct and the misconduct alleged were doing act prejudicial to the interest of the Bank, remaining unauthorisedly absent continuously for a period exceeding 30 days and willful disobedience of lawful and reasonable order of the Management. The petitioner's leave admittedly expired on 8.12.2000 and thereafter, she neither joined duty nor responded to the disciplinary proceedings and continued unauthorised leave. Petitioner's leave application under Ext.P1 Scheme was never sanctioned. Since the leave having been not sanctioned, it is

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obligatory on the part of the petitioner to return and join her duty. The learned Single Judge has noted in the judgment that the Bank, by order dated 29.1.2002 declined the leave and asked the petitioner to join duty on 29.1.2002 and 8.3.2002. Since the Bank had given opportunity to the petitioner to join duty, which was never availed of by the petitioner, the enquiry officer, after considering all relevant facts and circumstances found that the charges were proved, on the basis of which, disciplinary proceedings had been initiated and passed an order of dismissal. The appellate authority also after considering all aspects, confirmed the order of dismissal. We do not find any ground to exercise power of judicial review in initiating disciplinary proceedings against the petitioner.

We do not find any error in the judgment of the learned Single Judge dismissing the writ petition. Accordingly, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE