

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WA.No. 1569 of 2015 () IN WP(C).21375/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 21375/2015 of HIGH COURT OF KERALA
DATED 15-07-2015**

APPELLANTS/RESPONDENTS IN THE WRIT PETITION:

- 1. THE BRANCH MANAGER, STATE BANK OF INDIA
KARUVALLOOR, KOLLAM DISTRICT.**
- 2. THE REGIONAL MANAGER & DISCIPLINARY AUTHORITY
OF STATE BANK OF INDIA
REGIONAL BUSINESS OFFICE, KOLLAM.**
- 3. THE ASSISTANT REGIONAL MANAGER
STATE BANK OF INDIA, REGIONAL BUSINESS OFFICE, KOLLAM.**
- 4. THE DEPUTY GENERALMANAGER (B&O APPELLATE AUTHORITY)
STATE BANK OF INDIA, ADMINISTRATIVE OFFICE
TRIVANDRUM.**

BY ADV. SRI.P.V.SURENDRANATH

RESPONDENT/PETITIONER IN THE WRIT PETITION:

**N S SHYLAMOLE
W/O C.S. JOSE INNOCENT, RESIDING AT SWATHY
KERALAPURAM, PERUMPUZHA P.O., KOLLAM-691504.**

BY SRI.S.SUJIN

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No. 1569 of 2015

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Dated this, the 24th day of July, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the appellants as well as the learned counsel appearing for the respondent.

2. This writ appeal has been filed against interim order dated 15th July, 2015 by which learned Single Judge has stayed operation of Exts.P9 and P11 and the respondents were directed to reinstate the petitioner in service forthwith. The writ petitioner was working in the State Bank of India as Special Assistant. In the disciplinary proceedings, disciplinary authority awarded punishment of removal of service with superannuation benefits against which an appeal was filed, which appeal has also been dismissed by Ext.P11. Challenging the said order, the writ petition was filed where the aforesaid interim order was passed.

3. Learned counsel for the appellants submits that the main challenge in the writ petition was that punishment is too

disproportionate to the charges levelled. He submits that the issue could have been gone into after counter affidavit is filed by the Bank. He submits that interim order directing the Bank to reinstate the petitioner ought not have been passed. Learned counsel appearing for the writ petitioner also submits that the punishment of removal could not have been passed in view of the charges which have been found proved.

4. Be that as it may, the punishment was imposed after a disciplinary proceeding and appeal was also dismissed. The relief which has been granted by the learned Single Judge could have been available at the time of hearing after the Court is satisfied that the ground made in the writ petition are made out. We are of the view that by interim direction, reinstatement could not have been made. In view of the aforesaid, we set aside the following part of the interim order.

“There will be a stay of operation and implementation of Exts.P9 and P11 orders in the meanwhile and the respondents shall reinstate the petitioner in service forthwith, pending disposal of the writ petition and subject to the outcome thereof”.

5. Learned counsel for the appellants submits that he

W.A.No.1569/15.

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shall file a counter affidavit in the writ petition within three weeks from today. Let the learned Single Judge hear out the writ petition and take a decision.

Appeal is disposed of accordingly.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge