

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

W.A No.961 of 2015

1.The General Manager (Network 2),
Disciplinary Authority (D.A.),
Local Head Office,
State Bank of India, Circle Top House,
16 College Lane, Chennai-6.

2.The General Manager (Network 2),
(Appointing Authority),
State Bank of India, Circle Top House,
16 College Lane, Chennai-6.

3.The Chief General Manager and
Appellate Authority,
State Bank of India, Circle Top House,
16 College Lane, Chennai-6.

... Appellants/Respondents

-v-

S.V.Shankar

.... Respondent/Petitioner

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 06.03.2015 passed in M.P. No.1 of 2013 in Writ Petition No.4344 of 2013.

Petition praying that in these circumstances stated therein and in the respective affidavit filed therewith the High Court will be Pleased to grant an interim injunction of the impugned orders bearing No.VIG/KE/137 dated 07.11.2012 (Ex-A) and letter No.VIG/KE/171 dated 23.01.2013 (Ex-B) restraining the respondents from proceeding further with the departmental enquiry in respect of charge sheet dated 06.10.2008 pending disposal of the WP.NO.4344/13:

This Writ Petition filed Under Article 226 of the Constitution of India Writ of Certiorarified Mandamus to calling for the records relating to the order dt 7.11.2012 issued by the 1st respondent (Ex-A) bearing No. VIG/KE/137 and proceedings dt 23.1.2013 (Ex-B) bearing No. VIG/ KE/171 issued by the 2nd respondent and to quash the same as being illegal arbitrary and contrary to the order of this Honourable Court dt 23.7.2012 in WP No. 6388/2011 and consequently to direct the

respondents to not to proceed further in respect of charge sheet dt 6.10.2008

For appellants : Mr.S.Ravindran

For Respondent : Mr.N.G.R.Prasad for
M/s.Row and Reddy

JUDGMENT

(Order of the Court was made by S.TAMILVANAN, J.)

The writ appeal has been preferred challenging the order dated 6.3.2015 passed by the learned Single Judge in M.P. Nos.1 and 2 of 2013 in W.P. No.4344 of 2013, whereby the interim order already passed by this Court dated 21.02.2013, was made absolute.

2.It is clear in the order dated 06.03.2015 that the first respondent therein initiated disciplinary proceedings against the petitioner therein. The Enquiry Officer conducted enquiry and submitted a report. The disciplinary authority considered the enquiry report and opined that there were infirmities in the enquiry. The disciplinary authority therefore wanted to conduct a de novo enquiry. The petitioner therein challenged the notice issued by the disciplinary authority before the appellate authority. The appellate authority confirmed the said order. The petitioner therein thereafter filed a writ petition in W.P.No.6388 of 2011. The learned Single Judge of this Court directed the disciplinary authority to furnish details of the infirmities which necessitated in ordering de novo enquiry. The disciplinary authority thereafter without furnishing the grounds for ordering de novo enquiry, issued a fresh notice directing the petitioner to submit his explanation with regard to the enquiry report, submitted by the enquiry officer dated 25.11.2012. The learned Single Judge considered the averments made in the accompanying affidavit and the counter filed therein passed an interim order.

3.Having considered the facts and circumstances of the case and the submissions made by both the learned counsel, we are of the view that the scope of this appeal is limited and it would be proper for the appellants herein to seek appropriate remedy in the writ petition itself. Keeping the writ petition pending and challenging the interim order would not meet the ends of justice. As we find no error or infirmity in the order passed by the learned Single Judge, it is open to the authorities to work out their remedy, according to law. Both the parties are directed to co-operate for early disposal of the writ petition.

4.With the above observation, this appeal is dismissed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To,

1.The General Manager (Network 2),
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State Bank of India, Circle Top House,
16 College Lane, Chennai-6.

3.The Chief General Manager and
Appellate Authority,
State Bank of India, Circle Top House,
16 College Lane, Chennai-6.

+1 cc to M/s.Row and Reddy, Advocate sr.39819
+1 cc to Mr.S.Ravindran, Advocate sr.39676

सत्यमेव जयते

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