

**THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
and
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD**

WRIT APPEAL No.1221 of 2016

JUDGMENT: (per VRS, J)

Aggrieved by the dismissal of his writ petition challenging the initiation of departmental proceedings, a bank employee has come up with the above Writ Appeal.

Heard learned counsel for the appellant.

The charges framed against the appellant in the departmental proceedings read as follows:

“Charges:

The Bank charges you as under for the gross misconduct in terms of memorandum of settlement on disciplinary action and procedure therefore for workmen signed between IBA and Workmen Unions on 10.04.2002.

(a) Willful damage or attempt to cause damage to the property of the bank or any of its customers, which is a gross misconduct as per para 5(d) of the settlement dated 10.04.2002.

(b) Gross negligence or negligence involving or likely to involve the Bank in serious loss, which is a gross misconduct as per para 5(j) of the settlement dated 10.04.2002.

(c) You have misappropriated and misused the Bank's funds for Rs.37,52,800/- which amounts to doing an act prejudicial to the interest of the Bank, which is a gross misconduct as per para 5(j) of the settlement dated 10.04.2002.”

As rightly pointed out by the learned Judge, the charge sheet filed before the Criminal Court is for the alleged offences under Sections 380 and 409 IPC on the allegation that the appellant, who is a bank employee, stealthily removed money from the cash bundles and misappropriated a sum of Rs.37,52,800/-. The further allegation in the criminal case is that in order to cover up the misappropriation, he made false entries in the cash book.

Therefore, it is clear that though the foundation for the departmental proceedings was the very same set of facts, the allegations in the departmental proceedings border on misconduct and not exactly on the offences relating to Sections 380, 409 and 477A IPC. Therefore, we find no reason to interfere with the order of the learned Judge.

Hence, the Writ Appeal is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

No order as to costs.

21st NOVEMBER, 2016.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

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