

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.31215 of 2017
and W.M.P.Nos.34275, 34276 & 34277 of 2017

S.Viswanathan

... Petitioner

Vs

1.State Bank of India,
Rep. by its Regional Manager, RBO-I,
[Disciplinary Authority],
Region-1, Network-1, Administrative Unit,
No.86, Rajaji Salai,
Chennai-1.

2.S.Ravi Kumar,
The Chief Manager,
[Enquiry Officer],
State Bank of India,
No.22, Taylors Road,
Kilpauk, Chennai-10.

3.T.Deivanayagam,
The Chief Manager,
State Bank of India,
Zone-I, NSC Bose Road,
[Opp to High Court],
Chennai-1.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order bearing Ref.No.RM-1/1306 dated 06.11.2017 in appointing the 3rd respondent to assist the Presenting Officer and the consequential order bearing Ref.No.RM-1/1326A dated 09.11.2017 passed by the 1st respondent in rejecting the petitioner's request [1] to conduct a denovo enquiry in respect of the charge sheet dated 10.06.2014 [2] to appoint an Enquiry Officer from outside the region [3] for payment of legal fees to the defence Assistant and to quash the order dated 06.11.2017 and 09.11.2017 as being illegal, arbitrary and contrary to the principles of natural justice and for a consequential Mandamus to the 1st respondent Bank to conduct the denovo enquiry in respect of the charge sheet dated 10.06.2014.

For Petitioner : Mr.V.Govardhan
For Respondents : Mr.S.Ravindran, Senior Counsel
for Mr.S.Bazeer Ahamed

O R D E R

The present Writ Petition has been filed seeking issuance of Writ of Certiorarified Mandamus to quash the orders in Ref.No.RM-1/1306 dated 06.11.2017 and Ref.No.RM-1/1326A dated 09.11.2017, passed by the first respondent and to direct the first respondent to conduct the denovo enquiry in respect of the charge sheet dated 10.06.2014

2.When the matter was taken up for hearing, Mr.S.Ravindran, learned Senior Counsel appearing for the respondents would submit that the writ petition needs to be closed, since the petitioner has been given assistance before the Enquiry Officer. However, Mr.V.Govardhan, learned counsel appearing for the petitioner would submit that the enquiry should be commenced afresh from point No.1 of the charges. Mr.S.Ravindran, learned Senior Counsel would submit that although the petitioner has to appear before the Enquiry Officer, he came to seek the assistance of a lawyer and some proceedings have taken place. Now, he has been provided with the assistance of a lawyer and he can also conduct his case.

3.Since the petitioner has made a specific grievance against the Union stating that he is not able to get the assistance of any representative from the Union in which he is a member and against whom he has filed a civil suit, which is also pending, it is highly impossible for the petitioner to get any assistance from the Union as per rules. In any event, he can get the assistance of a lawyer in the domestic enquiry.

4.In view of the above, the respondents are directed to start the proceedings afresh and the petitioner is directed to co-operate with the enquiry which is scheduled to be held on 13.12.2017, which could be conveniently held in the afternoon only.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Regional Manager, RBO-I,
[Disciplinary Authority],
State Bank of India,
Region-1, Network-1, Administrative Unit,
No.86, Rajaji Salai, Chennai-1.

2.The Chief Manager,
[Enquiry Officer],
State Bank of India,
No.22, Taylors Road,
Kilpauk, Chennai-10.

3.The Chief Manager,
State Bank of India,
Zone-I, NSC Bose Road,
[Opp to High Court],
Chennai-1.

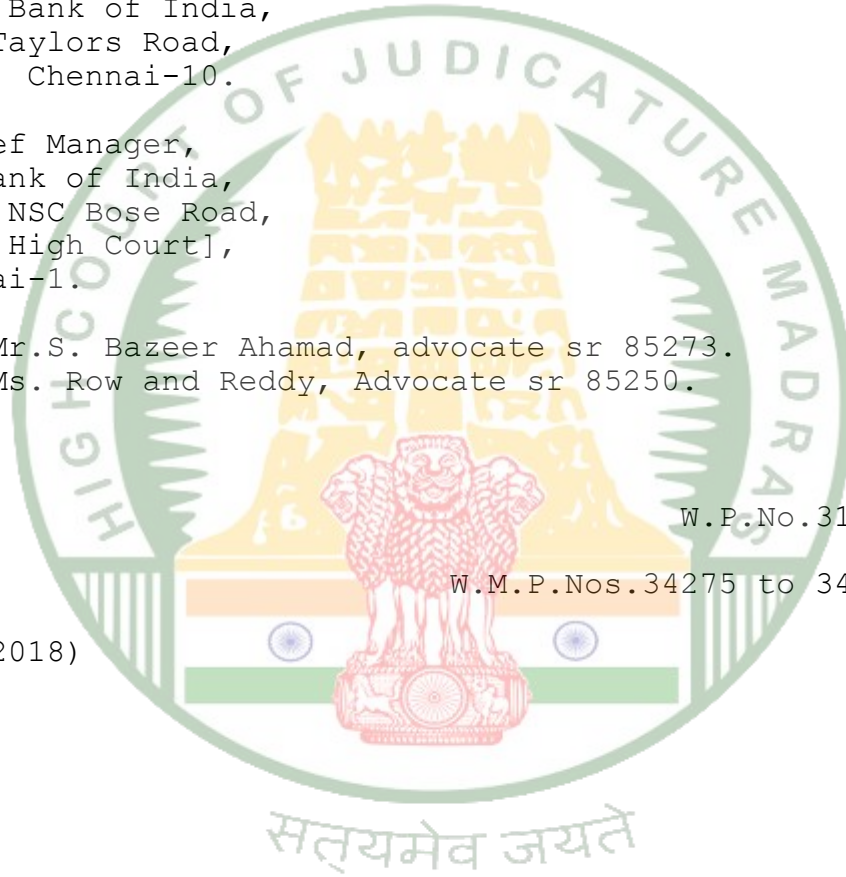
+1 CC to Mr.S. Bazeer Ahamad, advocate sr 85273.

+1 cC to Ms. Row and Reddy, Advocate sr 85250.

W.P.No.31215 of 2017
and

W.M.P.Nos.34275 to 34277 of 2017

SP(02/01/2018)



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