

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6872 OF 2017

DATED : 28.03.2017

Between :

P. Mahendra S/o.P.Indrasena Naidu,
Aged 57 yrs, Occu : MMS-II/Deputy Manager,
SBI, Chittoor Main Branch,
Chittoor District, R/o.Hyderabad.

Petitioner

And

State Bank of India,
Rep., by its DGM/Disciplinary Authority,
Administrative Officer, Renigunta Road,
Tirupati-517501

Respondent



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.6872 of 2017****ORDER :**

Heard.

2. Petitioner while working as Middle Management Grade-II in the respondent-Bank, was placed under suspension on the allegation of mis-conduct on 02.01.2015 and he continues to be under suspension. It appears a complaint was also lodged with the police on the allegation of committing various illegalities by the petitioner. Petitioner surrendered before the Court and was sent for judicial custody on 11.09.2015 and enlarged on bail on 27.10.2015. On 31.08.2015 a charge memo was drawn calling upon the petitioner to submit his explanation on the charges levelled. It appears petitioner did not respond to the said charge memo. The defence taken by the petitioner in the present writ petition is that petitioner was in judicial custody, therefore, he could not respond to the charge memo. It appears enquiry was conducted and the enquiry officer submitted his report holding the charges, out of nine, seven as proved. A copy of the enquiry report was furnished to the petitioner. At this stage, the petitioner raised objection to the manner in which the enquiry was conducted and also requested for payment of subsistence allowance. It appears the subsistence allowance for the entire period of suspension of the petitioner was actually paid to him in January, 2017. On 10.02.2017 a notice was issued informing the petitioner that the disciplinary authority has taken decision to impose punishment of

dismissal from service and to treat the period of suspension as not on duty. At this stage, this writ petition is filed.

3. On the earlier occasion, learned counsel for the petitioner taking through the record pointed out several illegalities in the manner in which enquiry was conducted. Having regard to the requirements to conduct proper domestic enquiry, matter was adjourned to enable the learned Standing counsel to obtain instructions.

4. Learned Standing counsel, on instructions, fairly submits that the Bank is in favour of conducting enquiry afresh from the stage of issuance of charge memo, but he would only request that a time schedule be fixed for completing the entire process and a direction to the petitioner to cooperate with the enquiry.

5. At this stage, learned counsel for the petitioner submits that all the relevant documents on which charges were framed and relied upon are required to be furnished to the petitioner.

6. Having regard to these submissions, the writ petition is disposed of directing the respondent-bank to conduct enquiry afresh from the stage of issuance of charge memo. The disciplinary authority shall specify detailed schedule for conducting enquiry stage by stage, including the dates for inspection of documents/supply of documents, holding of enquiry sittings and in advance. On supply of the schedule, petitioner shall adhere to the schedule fixed. If petitioner has valid constraint in appearing on a day fixed for the reasons beyond his control and if the reasons are satisfactorily explained, it is for the disciplinary authority to consider the same and to grant extension. Otherwise, petitioner

shall have to comply with the schedule fixed. On completion of the process of conducting enquiry, the enquiry officer shall submit his report and thereafter the procedure as required by the service regulations of the Bank shall be followed to finalize the disciplinary action. It is open to the disciplinary authority to conduct *ex parte* enquiry and conclude the disciplinary proceedings, if petitioner do not cooperate in concluding the disciplinary proceedings as per the schedule determined by him. It is also made clear that all the contentions of the petitioner as well as stand of the respondent-Bank on the merits of the allegations are preserved and left to be agitated in appropriate proceedings. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

28th March, 2017
Rds

P.NAVEEN RAO,J

