

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20801 OF 2000

ORDER:

Heard Sri K.R.Srinivas, learned counsel appearing for the petitioner and Sri Dr. K.Lakshmi Narasimha, learned standing counsel appearing for the respondent-Bank.

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in imposing the punishment of dismissal from service on the petitioner, which was confirmed by the appellate authority, as arbitrary and illegal.

Learned counsel appearing for the petitioner submits that the charges framed against the petitioner are defective, instead of using the language as 'allegedly', the charges were proceeded with a pre-determined mind stating that the petitioner had already misappropriated, which goes to prove that the close mind of the respondents. Learned counsel while relying on the un-reported judgment of this Court dated 25.8.1999 in W.P.No.4360 of 1993 and 11749 of 2002, wherein the said writ petitions were allowed finding fault with the way, the charge sheet was dropped, states that the charge framed and the orders of disciplinary authority as well as the appellate authority be set aside as they are contrary to law declared by this Court in the above said judgment.

The petitioner filed the charge sheet dated 5.7.1995 along with the material papers. A perusal of the said charge sheet

discloses that in the articles of charges, it was clearly stated that “it is alleged against you hereunder” and subsequently various charges were framed against the petitioner. Though each charge levelled appears to be with close mind as if the guilt of the petitioner has already been proved even before conducting any enquiry, but in the beginning of articles of charges itself, it was very clearly stated that “it is alleged that”. So, the judgment referred by the learned counsel for the petitioner may not come to the rescue of the petitioner and accordingly, no inference can be drawn that the respondents had proceeded with close mind against the petitioner. Apart from the said ground, the petitioner has not raised any other grounds as to the extending of principles of natural justice while conducting departmental enquiry or while imposing punishment of dismissal. I do not see any ground to interfere with the orders impugned.

The writ petition is devoid of merits and accordingly, it is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

5th December, 2017
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