IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3069 of 2018 and
WMP.No.3757 of 2018

Chapa Nataraj ...Petitioner

Versus

1. Managing Director and Chief Executive Officer,
   Indian Overseas Bank,
   Central Office,
   No.763, Anna Salai,
   Chennai-2.

2. Deputy General Manager (Disciplinary Authority),
   Indian Overseas Bank,
   Central Office,
   No.763, Anna Salai,
   Chennai-2.

3. Chief Regional Manager,
   Indian Overseas Bank,
   Regional Office,
   Vellore.

4. Enquiry Officer & Chief Manager
   C&DAC,
   Indian Overseas Bank,
   Central Office,
   No.763, Anna Salai,
   Chennai-2.

5. Regional Vigilance Officer,
   Regional Office-II,
   Indian Overseas Bank,
   Central Office,
   No.763, Anna Salai,
   Chennai-2. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for records pertaining to the Disciplinary Enquiry Proceedings conducted as per the orders of the 2nd respondent herein dated 10.02.2017 in terms of the Central Office, Permanent Circular No.EST/39/2000-2001 dated 09.09.2000 issued by the Industrial Relationship Department is illegal, null and void and liable to be quashed.

For Petitioner : Mr.T.Surendran
For Respondents : ...

ORDER

Challenging the correctness of the Communication dated 10.02.2017 issued by the 2nd respondent, thereby appointing one Shri.N.Subramanian, Chief Manager, C&DAC, Central Office, Chennai as Enquiry Officer and Shri K.Nageswara Rao, Chief Manager, Regional Office, Chennai I as Presenting Officer in terms of Central Office Permanent Circular No.EST/39/2000-2001 dated 09.09.2000 issued by the Industrial Relationship Department, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that while he was working as a Special Assistant in Thiruverkadu Branch of the Indian Overseas Bank during the year 2015, there was heavy flood in Chennai during November, 2015 and a sum of Rs.23.40 Crores was deposited by the staff of Tamil Nadu Urban Finance and Infrastructure Development Corporation Limited having office at 790, Anna Salai, Nandanam, Chennai-35 to the Indian Overseas Bank, Vijaya Hospital Branch, Vadapalani, Chennai. While so, the petitioner was suspended on 17.12.2015, by an order of suspension dated 17.12.2015 for the commissions and omissions allegedly committed by him by the Chief Manager, Disciplinary Authority, Central Office without issuing any Show Cause Notice and without calling for any explanation thereof. Thereafter, a Charge Sheet from the Management of the Bank was issued by the 2nd respondent dated 12.7.2016 for gross misconduct. The petitioner gave a representation dated 7.10.2016 seeking time to reply and accordingly, by letter dated 10.11.2016, some more time was granted to the petitioner and further, on 9.11.2016, the petitioner gave a letter for perusing of documents relied upon in the Charge Sheet, more particularly, the CCTV Footage. But, without considering the same, the 2nd respondent has proceeded to hold the enquiry by appointing an Enquiry Officer by means of letter dated 10.2.2017. The learned Counsel further submitted that when the C.B.I. has also initiated criminal proceedings against the petitioner, the departmental proceedings should not be simultaneously held.

3. This Court is unable to find any merit in either of his submission. The reason is the allegations levelled against the petitioner in the Charge Memo clearly show that the petitioner by tampering with the bank documents and altering the rates quoted by the Branch has also opened the current account by impersonating the official of TUFIDCO and more over, he was also

charged with serious allegation of destroying the 4 deposit receipts dated 27.11.2015 for Rs.3.40 Crores and replacing them with fabricated and fake deposit receipts and further by altering the interest rates and forging the signatures of the officials of the bank. Though the learned Counsel for the petitioner took a plea that both the departmental proceedings and the criminal investigation should not be allowed to take place simultaneously, he has not even produced a copy of the charge sheet to find out whether the charges levelled against the petitioner departmentally are overlapping with the charges levelled against him before the criminal court. Therefore, this Court is not inclined to interfere with the charge memo dated 12.7.2016 at this stage. Moreover, the petitioner has also given his explanation and finding that the explanation offered by the petitioner being unsatisfactory, an Enquiry Officer and Presenting Officers were also appointed on 10.02.2017. Therefore, the Writ Petition cannot be entertained.

4. In fine, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

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

True Copy

Sub-Assistant Registrar

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To
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+1 CC to Mr.T. Surendran, Advocate sr 11230

W.P.No.3069 of 2018

SP(07/03/2018)