

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.3.2018

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

**Rev.Appl.No.57 of 2018
and
C.M.P.No.5887 of 2018**

S.Viswanathan

Applicant

Versus

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 600 001.

2. S.Ravi Kumar
The Chief Manager,
(Enquiry Officer),
State Bank of India
No.22, Taylors Road,
Kilpauk, Chennai 600 010.

3. T.Deivanayagam,
The Chief Manager (Law),
The State Bank of India,
Zone-I, N.S.C.Road,
(Opp. to High Court),
Chennai 600 001.

Respondents

Prayer: Review Application filed under Order 47 Rule 1 read with Section 114 CPC seeking to review the judgment dated 16.2.2018 made in

For petitioner : Mr.N.G.R.Prasad

For respondents : Mr.S.Ravindran, Senior Counsel for
Mr.S.Bazeer Ahmed

ORDER

(Order of the court was made by RMT.TEEKAA RAMAN, J.)

Heard the learned counsel appearing for the petitioner and the learned Senior Counsel appearing for the respondents-Bank.

2. The learned counsel appearing for the Review Petitioner contended that he had approached the learned Single Judge with a prayer containing three claims, while the learned Single Judge considered only one relief and in respect of two claims, the learned Single Judge has not dealt with and therefore, the petitioner was constrained to file the above Writ Appeal No.288 of 2018. The learned counsel appearing for the petitioner, now contended that in respect of about 200 bank staff of Madras and Karnataka Regions, who were said to have involved in similar misconduct, viz., they had been looking into the accounts of the account holders without permission, they had been let off without any disciplinary enquiry and in some of the cases, they had been given a warning and therefore, the same treatment has to be given to the present petitioner also by quashing the charge memo. The second contention of the learned counsel for the petitioner is that one Deivanayagam was appointed as Presenting Officer on behalf of the bank and it is against the bipartite settlement.

3. After going through the materials placed before us and considering the gravity of misconduct involved viz., looking into the accounts of other account holders without permission, we are of the view that it is a matter

for enquiry and the cases of similarly placed persons was appear to have been decided at the level of disciplinary authority as submitted by the learned counsel appearing for the petitioner and that cannot be ordered to be adopted in favour of the present petitioner also at this stage.

4. With regard to the second contention of appointment of one Deivanayagam, such aspect has been dealt by us in para 11 and 12 of our judgment. Now, it is contended that such appointment of another officer in addition to the Presenting Officer is against bipartite settlement. However, on going through letter appointing such officer, it seems that the competent authority had accorded approval for permitting the said officer to attend and assist the Presenting Officer.

5. If the petitioner is aggrieved against such appointment of another officer to assist the Presenting Officer, we request Mr.N.G.R.Prasad, learned counsel appearing for the petitioner to assist the defence assistant engaged for the petitioner during the enquiry proceedings and if required, he may move the President of the Bar Council to seek legal assistance by deputing any Senior Counsel to assist the defence assistant engaged for the petitioner. The review petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

(H.G.R.,J.)(T.K.R.,J.)

27.3.2018.

Index:Yes/No

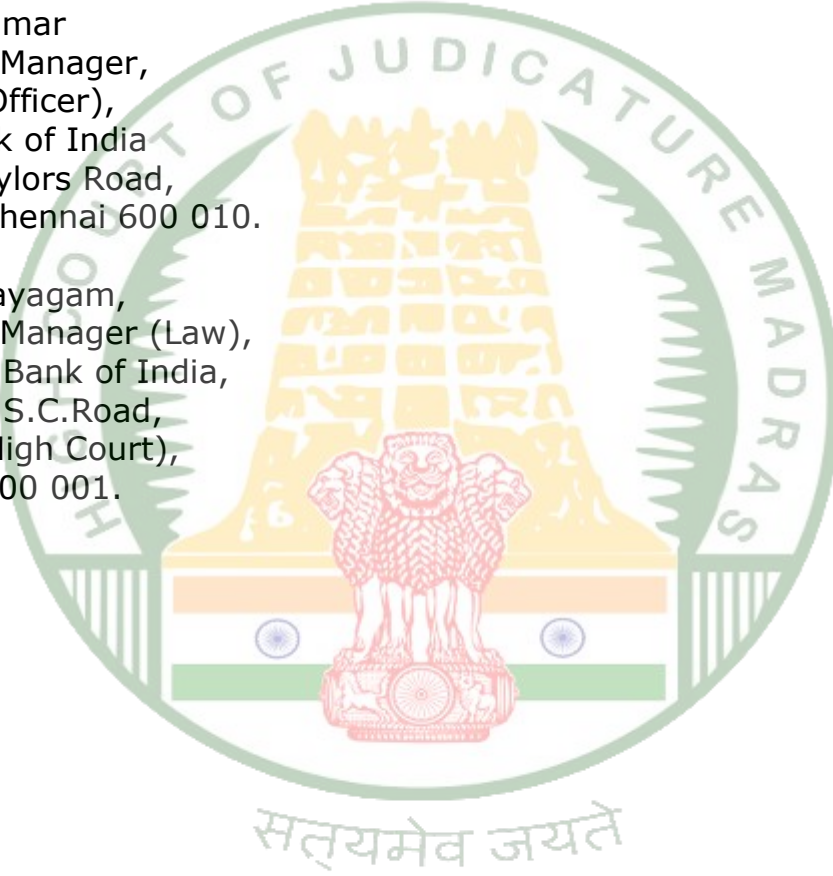
Internet:Yes/No

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ssk.

To

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**HULUVADI G. RAMESH, J.
AND
RMT.TEEKAA RAMAN, J**

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