

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2018

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.47064 of 2002

R.Krishnamoorthy

... Petitioner

Vs.

1. The General Manager (HR),
Bank of India,
Head Office,
Express Towers, Nariman Point,
Mumbai - 400 021.
2. The General Manager,
Bank of India,
Head Office,
Industrial Law Division,
Express Towers, Nariman Point,
Mumbai - 400 021.
3. The Deputy General Manager(P),
Bank of India,
Head Office,
Express Towers, Nariman Point,
Mumbai - 400 021.
4. The Zonal Manager,
Bank of India,
Coimbatore Zone,
324, Oppanakara Street,
Coimbatore - 641 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, direction in the nature of writ, to call for the records relating to the proceedings of the Zonal Manager, Bank of India, Coimbatore Zone, Coimbatore in Ref.No.Z0: 'IR': DA: 102 dated 12.06.2001 and further confirmation made by the Deputy General Manager, Head Office and Appellate Authority, Bank Of India, Mumbai in No. KCM: AA:22 dated 24.09.2001 and the proceedings of the General Manager and Reviewing Authority, Bank of India, Mumbai in Ref. No. TAD: RA: 161 dated 30.09.2002.

For Petitioner : Mr.K.Gopikrishna

For Respondents : No appearance

O R D E R

The prayer sought for herein is for a Writ of Mandamus to call for the records relating to the proceedings of the Zonal Manager, Bank of India, Coimbatore Zone, Coimbatore in Ref.No.Z0: 'IR': DA: 102 dated 12.06.2001 and further confirmation made by the Deputy General Manager, Head Office and Appellate Authority, Bank Of India, Mumbai in No. KCM: AA:22 dated 24.09.2001 and the proceedings of the General Manager and Reviewing Authority, Bank of India, Mumbai in Ref. No. TAD: RA: 161 dated 30.09.2002.

2. The short facts which are required to be noticed for the disposal of the writ petition are as follows :- The petitioner joined the respondent bank in 1975 as direct recruit officer in Bombay. After serving in various capacities, he was promoted to scale II and III. At the scale II, he was posted as Manager at Cumbum branch in June 1986 and he achieved all the target set for the branch and the branch was chosen as the "Best Semi Urban Branch" in the entire South Zone and awarded a certificate of merit by the then Zonal Manager held at a function in Chennai city in 1987.

3. Thereafter, on promotion to scale III in 1988 the petitioner had been transferred to some out station at Bihar. Thereafter, he was again posted at South Zone as Manager at Purasawalkam branch of the Bank. When he was working as Manager at Purasawalkam branch, he was placed under suspension on 21.03.1997. Pursuant to the suspension a disciplinary proceedings was initiated and thereafter charge memo was served on the petitioner on 08.09.1999, whereas the following charges have been framed against the petitioner :-

"The following irregularities are alleged to have been committed by you while working as the Manager, Purasawalkam Branch during the period from 13.06.1991 to 14.07.1994 in the loan account of M/s.Vindia Exports (P) Ltd., that you sanctioned credit facilities aggregating to Rs.15.00/-Lacs on 14.08.1993 to M/s. Valley exports at Purasawalkam Branch with very high recommendation and the outstanding in the account in February 1994 was Rs.14,91,058/- (within six months). Shri A.R. Rajalekaran was

also the Director in M/s. Vindia Exports (P) Ltd., with the same address as in M/s. Valley Exports and therefore you blindly and wilfully forwarded the proposal of M/s. Vindia Exports to the Zonal Office with high recommendations and also forwarded advance copy to the Madras Industrial Finance Branch giving a false rosy picture thereby misleading the sanctioning authority. On your false reporting about the financial status/property, the Zonal Manager sanctioned the following credit on 08.02.1994."

Pursuant to the charge memo an enquiry was conducted by the Enquiry Officer who was appointed in this regards, and after giving opportunities to respond, the fourth respondent, who is the disciplinary authority, passed an order of punishment on 12.06.2001, by which, the petitioner had been dismissed from service with immediate effect.

4. Aggrieved over the said order of punishment of the fourth respondent, the petitioner preferred an appeal to the third respondent, who is the Appellate Authority, on 25.07.2001. The Appellate Authority also, after having considered the appeal filed by the petitioner had passed an order dated 24.09.2001, confirming the order of punishment inflicted on the petitioner.

5. Aggrieved over the said order of the Appellate Authority as well as the disciplinary authority the petitioner had preferred a Review on 07.08.2002 to the second respondent, who is the Reviewing Authority, who also in turn, after having considered the review petition filed by the petitioner, had dismissed the same by confirming the order of the punishment awarded by the disciplinary authority as confirmed by the appellate authority. The said review order was passed by the second respondent on 30.09.2002. Therefore challenging the orders of the disciplinary authority, the appellate authority as well as the reviewing authority confirming order of punishment of dismissal from service inflicted on the petitioner, he preferred this writ petition for assailing all those orders.

6. I have heard Mr.K.Gopikrishna, learned counsel appearing for the petitioner, however no one is appearing for the respondents in spite of time had been given to the respondent bank to appear through his counsel.

7. The learned counsel appearing for the petitioner would submit that, parallelly a criminal case was also filed against the petitioner and on information the learned counsel would submit that, the petitioner has been convicted in the said criminal case. However the learned counsel appearing for the

petitioner further added that, since the petitioner has not responded for several years, the instruction to that regard could not be received from him. Be that as it may.

8. Insofar as the merits of the case is concerned when the petitioner was working as Branch Manager at Purasawalkam Branch, Chennai City, during the period between 13.06.1991 to 14.07.1994, he had made a recommendation for sanction of loan to one M/s. Vindhya Exports, to the Zonal office, and based on such recommendation made by the petitioner, term loan was sanctioned to the said exports and when the petitioner made such a recommendation, he had sent a false report about financial status about proprietor and that is why the reasons, the Zonal office sanctioned the said loan which become bad debt as there was no scope for recovery.

9. In this regard, Regulation 24 of the Bank of India Officer Employees' (Conduct) Regulation was invoked, according to which, breach of any of the provisions of these regulations shall be deemed to constitute a misconduct punishable under the Bank of India Officer Employees (Discipline & Appeal) Regulations 1976. The Bank also relied upon Regulation 3(i), which also states that, every officer/employee shall at all time take all possible steps to ensure and protect the interest of the Bank and discharge his duties with utmost integrity, honesty, devotion and diligence and do nothing which is unbecoming of a Bank Officer.

10. Since the charges framed against the petitioner had been proved, which is in violation of Regulations 24 and 3(i) as stated above, it attracts the maximum punishment of dismissal from service and since there was no acceptable reason from the petitioner, the bank decided to accept the enquiry officer's report under which, the charge framed against the petitioner had been proved and the major punishment of dismissal from service was inflicted against the petitioner.

11. I have gone through the order of punishment inflicted on the petitioner as well as the Appellate Authority's order and the order in Review passed by the fourth, third and second respondents respectively. On going through these orders, this court finds no infirmity, illegality or irregularity in the procedure adopted by the bank in initiating and concluding the disciplinary proceedings.

12. Since the charge framed against the petitioner is grave in nature as by which, the petitioner had caused heavy loss to the bank to the extend of crores of rupees and the said charge had been proved, we cannot find any fault with the disciplinary authority in inflicting the punishment of dismissal from

service. Since no other material has been produced by the petitioner either before the Appellate Authority or before the Reviewing Authority to set aside or modify the order of punishment inflicted on the petitioner, we cannot also find any infirmity in the said order passed by both the Appellant Authority as well as the Reviewing Authority. Therefore, this Court is of the firm view that the punishment inflicted on the petitioner has to be confirmed as the same does not require any interference from this Court.

13. In the result, the writ petition is deserved to be dismissed, accordingly is dismissed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rts/ssi

To

1. The General Manager (HR),
Bank of India, Head Office,
Express Towers, Nariman Point,
Mumbai - 400 021.
2. The General Manager, सत्यमेव जयते
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4. The Zonal Manager,
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Coimbatore Zone,
324, Oppanakara Street,
Coimbatore - 641 001.

+1cc to Mr.K.Sumathi, Advocate Sr.54986
+1cc to Mr.N.Balasubramanian, Advocate Sr.54944

W.P.No.47064 of 2002

srg 31/08/2018



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