



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.03.2018
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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W.P. (MD) .No.4845 of 2018
and
W.M.P. (Md) .No.4852 of 2018

S.Raja

...Petitioner

Vs.

1.The General Manager,
State Bank of India,
Local Head Officer Circle Top House,
No.16, College Lane, Chennai-600 006.

2.The Regional Manager (RBO V),
State Bank of India,
Regional Business Office,
No.24, GKN Building, North Car Street,
Nagercoil, Kanyakumari District-629 001.

2.The Branch Manager,
State Bank of India,
Vivekanandapuram Branch,
Kanyakumari District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to his proceedings in RM/RBO-VHR/2017-18 dated 22.02.2018 and quash the order dated 22.02.2018 and consequently direct the respondents to furnish the copies of those documents as mentioned in Annexure-III to the charge memo dated 22.11.2017.

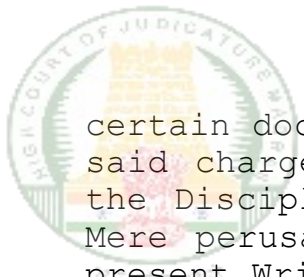
For Petitioner	: Mr.S.Karthik
For Respondents	: Mr.Palaramasamy

ORDER

Heard Mr.S.K.Karthik, learned counsel, appearing for the petitioner and Mr.Palaramasamy, learned counsel, appearing for the respondents.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner is a suspended employee of State Bank of India. The Disciplinary Authority issued a charge memorandum dated 22.11.2017. The said charge memorandum has been issued based on



certain documents. The list is given in annexure III annexed to the said charge memo. The petitioner wanted copies of the same. But the Disciplinary Authority declined to furnish copies of the same. Mere perusal alone has been permitted. This is questioned in the present Writ Petition.

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4.Mr.Palaramasamy, learned Standing Counsel, appearing for the respondents wanted time till next Tuesday. He also opposed the request made by the petitioner strongly.

5.This Court is of the view that no exception can be taken to the request made by the petitioner. It is seen that the four documents namely 1.ATM Cash back up Register 2.Statement of ATM Cash Balance A/c.3199842032345 from 29.07.2015 to 01.08.2015. 3.CCTV footage dated 29.07.2015, 31.07.2015 and 01.08.2015. 4.ATM Balance slip dated 14.08.2015 form the foundation on which the charges have been framed against the petitioner. Therefore, it is the duty of the Disciplinary Authority to furnish a copy of the same. It is not the case of the Disciplinary Authority that the documents are voluminous or that it is not possible to prepare copies. It is the part of the principles of natural justice that the authority should furnish copies of the documents on which they propose to rely. In this case, the copies have not been furnished to the petitioner. It would not be possible for him to even prepare his defence. Conferring the mere right of perusal is wholly inadequate and insufficient in such matters. The petitioner may have to consult third parties for preparing his defence. Unless copies are made available, he will not be able to have such consultation.

6.Therefore, looked at from any angle, the order impugned in the Writ Petition is patently unreasonable. The order impugned in the Writ Petition stands quashed. The second respondent is directed to furnish copies of the aforesaid documents to the petitioner. The petitioner is given two weeks time thereafter from the date of receipt of such copies to offer his explanation. It is made clear that the domestic enquiry made against the petitioner shall commence only thereafter.

7.The learned counsel appearing for the petitioner submits that the authority has referred to the provisions of ATM manual. If any such reliance is placed, it is the duty of the second respondent to make available the said documents also.

8.The Writ Petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

/True copy/



+1CC TO M/S.S.KARTHIK, ADVOCATE, SR NO.54800

+1CC TO M/S.PALA RAMASAMY, ADVOCATE, SR NO.55219

ORDER MADE IN
W.P. (MD) .No.4845 of 2018
13.03.2018

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MS/RSK/SAR-4/21.03.2018/3P.3C