

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7042 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the order in Ref.No.013/IF 242/PD/2001, dated 4.5.2001 passed by the Chairman as disciplinary authority and the order 014/PD/2001, dated 17.7.2001 passed by the Board of Directors as appellate authority, and to quash the same by holding them as illegal and arbitrary.

2. Heard Sri A. Sita Rama Rao, learned Counsel for the petitioner and Sri K. Srinivas Murty, learned Counsel for the respondents.

3. It is the case of the petitioner that while he was working as clerk in the respondent-bank, disciplinary proceedings were initiated against him on the allegation of misappropriation of amounts and after conducting departmental enquiry, the disciplinary authority imposed punishment of dismissal on 4.5.2001. The petitioner preferred appeal and the appellate authority dismissed the same vide order dated 17.7.2001. Challenging the same, the present writ petition has been filed.

4. The main contention raised by the learned Counsel for the petitioner is that the Chairman influenced the Board of Directors when the appeal was being heard by them, and the Chairman, who imposed the punishment of dismissal, cannot participate in the appeal while deciding the appeal.

5. A counter affidavit was filed by the respondents denying the said allegation. In the counter-affidavit, it was specifically stated that the minutes of the 119th board meeting held on 17.7.2001 one P. Chandrasekhar, Regional Manager, Syndicate Bank, Regional Office, Nellore chaired the meeting in the place of the Chairman and took up the item of appeal preferred by the petitioner herein, and since the Chairman is the disciplinary authority, he has not participated in the deliberations regarding the appeal preferred by the petitioner.

6. It is the specific assertion of the respondents that the Chairman was not a party in the Board of Directors meeting when the appeal of the petitioner was adjudicated. No reply affidavit was filed by the petitioner to controvert the same. Therefore, the contention raised by the learned Counsel for the petitioner cannot be accepted.

7. In the circumstances of the case and in view of the nature of the charges proved against the petitioner, this Court is not inclined to interfere with the orders impugned.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 21st August, 2018.

Nn.



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21/08/2018

Nn.