

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.2691 of 2010

M.Sampath

.. Petitioner

Vs.

1. M/s.State Bank of India
Rep. by its Chairman
Mumbai.
2. The Appellate Authority
cum Deputy General Manager (NCM)
Network 1, LHO
M/s.State Bank of India,
No.86, Rajaji Salai, Chennai 600 001.
3. The Disciplinary Authority
cum Assistant General Manager (Administration)
Disciplinary Proceedings Cell Administration Unit,
Chennai Network - 1
86, Rajaji Street, Chennai 600 001.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent in No.NIS.CON/445 dated 23.02.2009 thereby confirming the proceedings of the 3rd respondent in No.DIS/CON/210 dated 06.09.2008, quash the same and consequently direct the respondents herein to re-instate the petitioner herein with back wages.

For Petitioner : Mr.Sriram for M/s.K.Govi Ganesan

For Respondents : Mr.K.Chandrasekaran
Representing Counsel for
Mr.K.Mohandas for R1 to R3

O R D E R

The instant writ petition is for issuance of a Certiorarified Mandamus, calling for the records relating to the proceedings of the Appellate Authority cum Deputy General Manager (NCM) in No.NIS.CON/445 dated 23.02.2009 thereby confirming the proceedings of the Disciplinary Authority cum Assistant General Manager (Administration), Disciplinary Proceedings Cell Administration Unit, Chennai Network-1, Chennai, in No.DIS/CON/210 dated 06.09.2008, quash the same and consequently direct the respondents herein to re-instate the petitioner herein with backwages.

2. The petitioner was working as a Messenger in the Melsanankuppam Branch, State Bank of India. Six charges were framed against the petitioner by a charge memo dated 14.05.2007. The charges are read as under:-

STATEMENT OF ARTICLES OF CHARGE IN RESPECT OF SHRI M.SAMPATH , MESSENGER UNDER SUSPENSION)

Shri M. Sampath was reported to have committed certain irregularities while he was working as Messenger at Melsanankuppam Branch, as per the Articles of Charge detailed below:
Charges

(i) Shri Sampath has filled up the loan application forms for ACC Acaxrt Nos 01670005805, 01670005912 and 01670005916 of S/Shri C. Kannirandn C Knshnar , and C. Thimmarayan respectively without any authority.

(ii) Shri Sampath has filled up the Account opening forms for SB account Nos. 01170005805, 01170005912 and 01170005916 of S/Shri C. Kannumandri, C. Krishnan and C. Thimmarayan respectively without any authority.

(iii) He has forged the signatures of Shri C. Krishnan and Shri C.Thimmarayan on the withdrawal forms to withdraw a sum of Rs.3.00 lacs each on 25.03.06 and 29.03.06 from their SB Account Nos. 01170005912 and 01170005916 respectively. He has also filled up the withdrawal forms.

(iv) He has received the payment of Rs.3.00 lacs on 25.03.06 and Rs.3.00 lacs on 29.03.06 from the paying cashier on withdrawal forms pertaining to SB account Nos. 01170005912 and 01170005916 without any authority from the concerned account holders Shri C. Krishnan and Shri C. Thimmarayan respectively. .

(v) He has signed as Introducer for opening the SB Account No. 01190040188 of Shri K. Jayapaul on 27.03.06 and Current Account Nos. 01000040186 of M/s. Viswabharathi Textiles (P) Limited and 01000040187 of M/s. AVT Coconut Processing Industries Limited on 24.03.06 which were opened with dubious intention under suspicious circumstances.

(vi) He has misguided the Branch Manager and introduced him Shri Kumar, a friend of Shri Sampath, Shri Elango, an Advocate from Erode and Shri Sivanesan, an employee of Indian Bank, who were having suspicious backgrounds and intentions."

3. On 20.08.2007, the petitioner gave a reply to the charges. Not convinced by the reply, enquiry was initiated against the petitioner and Chief Manager, Gudiyatham branch, was appointed as enquiry officer. The petitioner in his writ petition states that 18 documents were marked as prosecution exhibit and one witness was examined in respect of the Bank. The enquiry officer gave a report dated 19.05.2008. Enquiry officer founds that the first 5 charges mentioned supra have been proved and the 6th charge was partly proved. Enquiry report was given to the petitioner who was asked for giving further submission, if any on the enquiry report. The petitioner gave a reply on 29.09.2008. The disciplinary authority by order dated 06.09.2008, passed the order of removal from service with superannuation benefits. This order was challenged in statutory appeal before the Appellate Authority who is the Appellate Authority cum Deputy General Manager (NCM). The Appellate Authority cum Deputy General Manager (NCM) by his order dated 23.02.2009, dismissed the appeal. Para 4 of the order reads as under:-

" I have listened to the submissions made by the Defence Representative at the persona hearing. He has not brought out any new evidence, message, particulars or details other than what he had earlier submitted in response to the charge sheet or Enquiry Officer's report. I am, therefore, of the view that the ends of justice was met by the decision taken by the Disciplinary Authority and it conformed to the gravity of the misconduct committed by Shri M.Sampath and was in accordance with the provisions of the Memorandum of Settlement dated 10.04.2002. In the circumstances, I am unable to interfere in the matter and dispose the appeal accordingly."

4. It is this order which is challenge in the instant writ petition.

5. Heard the counsel for the parties.

6. The only argument raised by the learned counsel for the petitioner is that the order of the Appellate Authority is completely without reasons. He would state that any order without reasons is not a valid order in the eyes of law and therefore the order deserves to be set aside. This court is not in a position to accept the arguments of the learned counsel for the petitioner. A perusal of para 4 extracted above would show that the Appellate Authority has gone through the enquiry report and the order of the disciplinary authority. After going through the report, he was at the view that the petitioner has not brought out any evidence, message, particulars, details other than those presented in respect of the charge sheet. The Appellate Authority therefore concurred with the order of the disciplinary authority. In such circumstances, the disciplinary authority need not to paraphrase the reason once again to sustain the order of the disciplinary authority.

7. In view of the above, the writ petition is dismissed.
No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pkn.

To

1. The Chairman,
M/s.State Bank of India, Mumbai.

2. The Appellate Authority
cum Deputy General Manager (NCM)
Network 1, LHo
M/s.State Bank of India,
No.86, Rajaji Salai, Chennai 600 001.

3. The Disciplinary Authority
cum Assistant General Manager (Administration)
Disciplinary Proceedings Cell Administration Unit,
Chennai Network - 1
86,Rajaji Street, Chennai 600 001.

+lcc to Mr.K.Govi ganesan , Advocate SR.No. 76327

+lcc to Mr.k.MOhemed , Advocate SR.No. 76018

W.P.No.2691 of 2010

A.SK(27/09/2019)