

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.01.2019

DATE OF DECISION : 09.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4473 of 2015

V.Narayanan

Petitioner

-vs-

1. Chief Manager
Bank of India Staff Training College
Chennai & Inquiring Authority
Balaji Nagar 2nd Street
Royapettah
Chennai 600 014
2. Assistant General Manager
Chennai Zonal Office &
Disciplinary Authority
Bank of India, Star House II Floor
No.30 (Old No.17), Errabalu Street
Chennai 600 001
3. Zonal Manager
Chennai Zone and Appellate Authority
Bank of India, Star House II Floor
No.30 (Old No.17) Errabalu Street
Chennai 600 001
4. General Manager (HR) & Reviewing Authority
Bank of India Head Office
Star House Plot C-5, G Block
Bandra-Kurla Complex
Bandra (E)
Mumbai 400 051

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari Mandamus, to call for the records pertaining to the imposition of penalty to the petitioner by the order passed by the Assistant General Manager Chennai Zone and Disciplinary Authority, the second respondent herein vide penalty order Ref.No.ZO:IR:VK:G-133:470 dated 23.10.2013 and confirmed by the Zonal Manager, Chennai Zone and Appellate Authority vide his order in

Ref.No.ZO:IR:VK:G-133:820 dated 07.03.2014 for the acts of misconduct as contained in Articles of Charge Ref.No.ZO:IR:VK:G-133:359 dated 23.11.2012 and confirmed by the General Manager (HR) and Reviewing Authority, the fourth respondent herein vide his order in Ref.No.: CS:RA:98 dated 30.10.2014 and quash the said orders of the respondents Authorities of the Bank of India and direct the reinstatement of the petitioner, V.Narayanan, formerly staff-Officer, Bank of India with all back benefits and withheld/denied promotion.

For Petitioner:: Dr.A.E.Chelliah
Senior Counsel for
Mr.K.Ramanujam

For Respondents:: Mr.Irwin Aaron for
M/s Pais, Lobo and Alvares

ORDER

Mr.V.Narayanan, who worked as a Branch Manager in the Bank of India at Kadavasal in Nagapattinam District, was subjected to the disciplinary proceedings for the articles of charge mentioned in the charge memo dated 23.11.2012. Even prior to the issuance of the charge memo, he was placed under suspension by order dated 26.4.2012. After appointment of the enquiry officer, the enquiry officer completed the enquiry and finally found him guilty of the charges. Based on the finding of guilt arrived at by the enquiry officer, rejecting the further representation given by the petitioner, he was imposed with the punishment of dismissal from service, vide order dated 23.10.2013. Aggrieved thereby, he has preferred an appeal before the Zonal Manager, Chennai Zone and Appellate Authority, who also confirmed the major penalty of dismissal, which shall ordinarily be a disqualification for future employment in terms of Regulation 4(j) of the Bank of India Officer Employees' (Discipline & Appeal) Regulations, 1976, dismissed the appeal. The said order was also confirmed by the Reviewing Authority. Challenging these orders, the present writ petition has been filed.

2. Dr.A.E.Chelliah, learned Senior Counsel for the petitioner heavily contended that when the petitioner had not done anything that would attract even a minor penalty, because, he had not even acted in a way unbecoming of an Officer or has brought disrepute to the bank through his action, imposing the major penalty of dismissal from service is not only unfair and unjust, but also unknown to law, inasmuch as the grave punishment of dismissal from service has caused mental torture, trauma with financial insecurity, resultantly, the petitioner has been undergoing untold misery from the date of dismissal

till now. Therefore, the impugned penalty of dismissal from service is liable to be set aside. When the petitioner was subjected to face the disciplinary proceedings, inter alia, contending that he had violated the Bank's lending norms in various loan accounts, incurred travelling expenses without obtaining prior permission from the Zonal office, effected remittance to the petitioner's daughter's account and one of his relatives through customer's account etc., these charges levelled against the petitioner were not based on any complaint from anyone. Dr.Chelliah, explaining further, pleaded that the respondents have so unfairly initiated the disciplinary proceedings, without there being any foundation of any complaint, only based on some observations made in the audit report on some alleged irregularities and lapses, which were only procedural in nature. Ironically, when the same procedural lapses and irregularities had occurred during the period of his successors, the same respondents have not seriously viewed the same, more importantly, one of the petitioner's successors had even renewed the loan, which was allegedly termed as a bogus loan and he was not given any punishment. After subsequent renewals, when fresh loans were extended to the borrowers after the repayment of the loans sanctioned by the petitioner, the investigating officer and leader of the vigilance team did not have adequate knowledge either about the usual practice of the bank or the circulars of the RBI/NABARD/BoI about the various lending norms, as a result, the investigating officer overacted and overstepped on many occasions to reach a wrong conclusion based on mere surmises and assumptions.

3. Continuing further, the learned Senior Counsel submitted that many circulars issued by the Reserve Bank of India and the NABARD were blindly ignored by the enquiring authority, disciplinary authority and also the appellate authority. Equally, the chief of the investigation team never recorded the petitioner's version during the entire investigation process before even concluding and submitting his report in June, 2012. But sadly, the petitioner was suspended from service on 27.4.2012 and unfairly he was slapped with the order of dismissal. When the petitioner cannot be imposed with the minor penalty to the alleged procedural lapses referred to in the charge memo, the impugned punishment given to the petitioner by the disciplinary authority in his order dated 23.10.2013, which has been confirmed by both the appellate and reviewing authorities, is liable to be set aside. Dr.Chelliah, finding fault with the framing of charges, contended that insofar as the first article of charge that the petitioner had unduly accommodated one Mr.S.Selvakumar by sanctioning various loans to him and to his relatives is concerned, cannot be considered as gross violation of the bank's lending norms and procedure, because, this loan was sanctioned to D.Janaki

independently recommended by Khadi and Village Industries Board (KVIB) under the Prime Minister Employment Generation Programme (PMEGP) scheme. Since this unit was functioning in the same building where Mr.S.Selvakumar was also having his unit, when the functioning of the unit has been confirmed by M.W.3 during cross examination by the disciplinary authority and it was also admitted that Ms.D.Janaki is not a family member, but a relative, the first article of charge should fail. But this was completely overlooked by the enquiry officer, disciplinary, appellate and reviewing authorities. One another allegation that Mr.Selvakumar was given the second loan of Rs.5 lakhs under the Government Subsidy Scheme in violation of the bank's norm, has also been disproved by the petitioner in his explanation that the second loan was also sponsored and recommended by the Khadi and Village Industries Board. When the petitioner gave his explanation that the loan was considered only because of the good track record of Mr.Selvakumar in repayment of the loans and the substantial proof shown by the petitioner with the insurance policy and release of subsidy by the Government departments as a proof of asset creation, the said charge cannot be held as proved. Explaining further, it was stated that the asset creation part was accepted by the management on the basis of insurance policy and since the benefit of subsidy has not been released to Mr.Selvakumar's account and was retained by the bank separately, the same can be returned to the Government if the beneficiary is found ineligible. Therefore, there is no loss in this regard to the bank or the sponsoring department. But sadly, the enquiry officer gave a finding that though the delinquent officer's defence of availability of insurance policy and release of subsidy by the sponsoring department are acceptable as evidence, the petitioner failed to ensure that no family can be given the benefit of more than one subsidy linked loan while considering the second subsidy loan to Mr.Selvakumar. When the subsidy released by the Government is kept separately and the benefit not extended to the borrower, the enquiry officer's report is silent on this issue. Therefore, when there was no loss in this regard to the bank or the sponsoring department, the charge levelled against the petitioner that the petitioner had given more than one subsidy linked loan to Mr.Selvakumar is unfounded.

4. Again assailing the charge that Ms.D.Janaki, who was sanctioned a crop loan is neither an agriculturist nor has any land in her name, Dr.Chelliah argued that a government authority, who is competent to certify, has clearly certified that Ms.D.Janaki is cultivating which is a sufficient proof and it has been the practice to accept such certificate for considering the application for crop loans, the enquiry officer, without examining Mr.Dhandapani, who is the father of Ms.Janaki and uncle of Mr.Selvakumar, has given a wrong finding against

the petitioner. When the petitioner has acted only on the basis of the VAO's certificate confirming that the said applicant was cultivating the land as detailed in the chitta and adangal, the finding given against the petitioner that he was guilty on that score is wrong and unacceptable. Again finding fault with the allegation that Ms.R.Mahalakshmi, who is an officer in the State Bank of India was sanctioned the loan without permission from her Bank, it is submitted that the said Mahalakshmi in her deposition as MW4 has confirmed that she is working in State Bank of India on contract basis and as usual availed the loan, therefore, permission from State Bank of India is not required. Whereas, the finding of the enquiry officer shows that the presenting officer during the cross examination of MW4 Mahalakshmi has confirmed that all the transactions in ME 104 were not done by her. One another finding given by the enquiry officer that the deposition of Ms.Mahalakshmi corroborated with MW4 to prove that the savings bank account of Ms.Mahalakshmi was operated by Mr.S.Selvakumar leading to the fraudulent transactions without her knowledge, is frivolous, for the reason that when Ms.Mahalakshmi, who is an officer in SBI dealing with the recovery also has availed loan along with her father and when she gave blank cheques to Mr.S.Selvakumar, her evidence saying that she was unaware of the transaction is meaningless. When she also admitted in writing to the enquiry officer that the crop loan was renewable, this was noted on 25.3.2012. Later on, in the enquiry on 25.4.2013, she retracted that when she has given a cheque book for operating the account to Mr.Selvakumar, as per her own statement, she had requested Mr.Selvakumar to cooperate for the house construction work and for that only, she gave the cheques to him. When she has not complained to the petitioner and more particularly, she admitted that it was wrong to give a blank cheque, again holding the charge against the petitioner is wrong.

5. Coming to Article 1B of the charge that 18 more bogus and fictitious crop loans were sanctioned and disbursed and the loan amounts were credited in the savings bank account of Ms.Rajeswari, mother of Mr.S.Selvakumar, Dr.Chelliah stated that when the loans were considered in the normal course of business based on chitta, adangal and VAO's certificate and the loan funds were first of all credited to the borrowers savings bank account and also done in good faith, the same cannot be suspected. Similarly, the crop loan borrowers also repaid their earlier dues upon getting their crop loans. But, without any substance and justification, a finding has been given by the enquiry officer that the presenting officer of the bank was able to prove that all the loans were sanctioned and disbursed and the loan amounts were ultimately credited to the savings bank account of Ms.Rajeswari, mother of Mr.Selvakumar and in the SB and CD accounts of Mr.Selvakumar, Ms.D.Janaki and

Ms.R.Mahalakshmi who were relatives, which is erroneous. Interestingly, neither the appellate authority nor the reviewing authority had referred to the explanation and the contentions raised by the petitioner on this aspect.

6. Dr.Chelliah, learned Senior Counsel for the petitioner, explaining how the petitioner had devoted his entire life period of 31 long years with utmost sincerity and commitment serving with a sense of sacrifice in a great institution with full commitment, in the long run, for having discharged his duties diligently and with honesty and earned a good name for his honesty and diligent devotion of the services rendered, has also received felicitations at the hands of the Chairman and Managing Director himself. Such an officer, who was appreciated and felicitated by the Chairman and Managing Director, out of ill-will, was denied promotion to Scale III and also suspended from service on 27.4.2012 and thereafter, he was issued with all baseless charges. The first charge that the petitioner unduly accommodated one Mr.S.Selvakumar by sanctioning several loans to him and to his relatives, is baseless and unwarranted, because at no point of time, the petitioner had sanctioned the loan in violation of the bank's lending norms. The allegation of bogus or fictitious crop loans were sanctioned and disbursed, cannot stand to legal scrutiny, because the loans were credited to the savings bank account, therefore, the allegation of sanctioning bogus loan is wholly unacceptable, because every loan is disbursed and credited to the savings bank account of S.Selvakumar, Ms.D.Janaki and Ms.R.Mahalakshmi, therefore, the framing of charge itself is without any basis. Again one another allegation that the petitioner misused his official position and disbursed five bogus crop loans through a mediator Mr.Gunasekaran, the funds of which were credited to the savings bank account of Mr.R.Srinivasan on 13.10.2009 itself, clearly shows that when the loans were sanctioned and credited to the savings bank account No.2348 of Mr.R.Srinivasan, no bogus loan at all can be given to anyone when the loan itself has been credited to the savings bank account of the beneficiary.

7. Assailing the charge in Article IC framed against the petitioner that he had debited Mr.Selvakumar's CD account by Rs.82,000/- and remitted through NEFT Rs.2,000/- to the petitioner's daughter Ms.Sandhya Menon's account with South Indian Bank and Rs.80,000/- to the account of M/s Aekays, Tirupur, Dr.Chelliah pleaded that the petitioner was the only officer looking after the entire day-to-day work of the branch along with the inspection of the loan accounts and also canvassing the business by going to Government offices such as Panchayat office, Block Development office and Collector's office, hence, he was unable to find time to send money to his

daughter, who was pursuing PG course in Finance Management in Christ University, Bangalore. Since Mr.Selvakumar was having a computer centre nearby to the branch and also highly qualified in net banking transaction, he was requested to remit from the money that was paid in advance by Mr.Dinesh Vijayasankar on behalf of the petitioner. While so, when the petitioner has not misused the official position by sending the bank's money to his daughter's educational expenses, the allegation that the petitioner debited Mr.Selvakumar's CD account is wholly misconceived and such a charge cannot be put against the petitioner. In any event, when the remittances were not from the funds of the account holder, it can never be construed as a misconduct warranting the framing of charge, inasmuch as sufficient funds were also remitted to the customer's account, for which evidences were also sufficiently submitted. This was completely overlooked by both the enquiry officer and also the disciplinary authority, consequently, the major punishment of dismissal from service with the disqualification for future employment in terms of Regulation 4(j) of the Regulations was ordered, which is wholly unsustainable in law.

8. Moving to Article II of the charge alleging that the petitioner misused his official position and sanctioned five bogus crop loans amounting to Rs.2,49,000/- through a mediator Mr.Gunasekaran, the funds of which were credited to the savings bank account no.2348 of Mr.R.Sreenivasan on 13.10.2009, he has pleaded that all the respective borrowers loan accounts were credited first. Only then, amounts were transferred to other accounts as per their request. In support of his submissions, referring to the loan transactions from pages 272 to 280 in volume V of the paper book, Dr.Chelliah argued that when the Senior Branch Manager of Kadavasal branch disproved the said allegation stating that all the loans under column (2) have been sanctioned at the branch during 2009-2010, besides, disbursements were made from the various loan accounts under column (2) on various dates given in column (3) with the transaction IDs mentioned therein and credited to savings bank accounts under column (4) therein and that when the Senior Branch Manager of Kadavasal branch has also confirmed and verified that there was no other credit in the savings bank accounts mentioned under column (4) between the date on which the loan was credited to the account on the dates mentioned under column (3) to the dates mentioned under column (5) to SB/CD account under column (6), the said allegation is completely unjustified and unsustainable. However, the enquiry officer has given a wrong finding that the borrowers whom the investigation officer met have also confirmed that they only signed the loan application and documents. When there were 23 accounts, most of the loans were first given in 2008-09 and during 2009-10, the alleged transfer has taken place. Even after

his transfer from the branch in June 2011, during the crop season 2010-11 and 2011-12, majority of these loans were renewed and some of the accounts were closed by the respective borrowers. These operational accounts and closure of the accounts would clearly show that the allegation of bogus crop loans have been sanctioned, is highly beyond anybody's figment of imagination. While so, it is not known how the enquiry officer has accepted as proved the said allegation.

9. Moving to the next charge in Article III, Dr.Chelliah has again pleaded that the new allegation of sanctioning and disbursing of two bogus crop loans in the name of Ms.Usharani, that the loan amount was utilised by one Mrs.Sudharshana, one of the customers of the branch, resultantly, the petitioner allowed misutilisation of loan amount of two crop loan accounts, is bereft of any substance, since the complainant Subhamathi, in her complaint dated 8.2.2012, did not whisper anything about the petitioner. Even in the enquiry also, she did not speak anything about the petitioner. Again referring to the statement of Ms.A.Subhamathi enclosed at pages 220 & 221 in volume V of the paper book, Dr.Chelliah stated that the said Ms.Subhamathi has not spoken anything about the petitioner, which clearly shows that the petitioner has been wrongly framed. This was not even noticed by the enquiry officer, therefore, the impugned order of punishment is wholly unsustainable in law, for the simple reason that the charge has been motivated with a wrong intention and with malice.

10. Dealing with the charge in Article IV that the petitioner in utter disregard to the bank's lending norms sanctioned 10 loans, details of which are mentioned in the statement of allegations to self help groups, inasmuch as the loan accounts were disbursed more than the sanctioned amounts without any application etc., Dr.Chelliah has pleaded that the amounts have been credited to the respective self help group's savings bank account, which has not been disputed by even the presenting officer or the management witness anywhere and in certain cases, loan amounts were restricted even below their eligible amount and in some cases, some of the limits were subsequently enhanced due to continuous request from self help groups and the enhancements were also effected in the computer, but yet to be amended in the documents. But this has been wrongly misconstrued that the petitioner has given loans beyond the limits, which is factually incorrect. Referring to clause 3.2.1 of the Circular No.65(A)/MCID-04/2011-12 dated 27.3.2012 dealing with the purpose of bank loan, the learned Senior Counsel stated that the loan granted by the bank to the self help group is purpose neutral, as the group decides the purpose for which loan can be given to its members. As the RBI in their circular dated 1.7.2011 bearing reference

No.RPCD.FID.BC.No.06/12.01.001/2011-12 indicated that the banks are expected to meet the entire credit requirements of SHG members for (a) income generation activities, (b) social needs like housing, education, marriage, etc., and (d) debt swapping etc., the petitioner as a Branch Manager had discharged his duties in compliance with the directions issued by the RBI, therefore, no allegation can be made against him, as he has advanced loan only to the self help groups on the basis of the RBI guidelines, which has been completely overlooked by both the enquiry officer and also the disciplinary authority while imposing the punishment.

11. Moving to Article V of the charge alleging that the petitioner had sanctioned and disbursed about 655 educational loans in utter disregard to the norms of the bank and in violation of terms of sanction stipulated by Zonal office, as the service area fixed by the District Collector for education loans was not adhered to and loans were sanctioned beyond the service area, Dr.Chelliah pleaded that the RBI circular clearly states that the service area concept is not applicable to educational loans. He has also referred to the circular issued by RBI dated 9.11.2012, which is enclosed at page 171 of volume VII of the paper book. A perusal of the same clearly shows that the banks are requested not to reject any educational loan application for the reason that the residence of the borrower does not fall under the bank's service area. This vital aspect also has been completely overlooked by both the enquiry officer and the disciplinary authority. Therefore, the impugned punishment is liable to be set aside.

12. Arguing further, Dr.Chelliah stated that after receipt of large number of complaints from the students who were refused educational loans on the ground that they were not residing in the zonal area where the loan giving banks were situated, the Reserve Bank of India advised the nationalised banks that service area norms are to be followed only in the case of government sponsored schemes as advised in their circular PCD/LDS/SWA/BC62/08/01.00/04 -05 dated 8.12.2004 and the same is not applicable to sanction of educational loans. Accordingly, request was issued to the branches and controlling officers for strict compliance. Therefore, the charge levelled against the petitioner that he had sanctioned and disbursed the educational loans in utter disregard to the norms of the bank has to fall to ground, in the light of the RBI circular. But the finding by the enquiry officer is contra to the RBI circular holding that the circular dated 9.11.2012 is not applicable to educational loans and this was also accepted by the disciplinary authority. When the enquiry officer went against the circular, the disciplinary authority should have set aside the findings of the enquiry officer and absolved the petitioner from the charge

No.V, which has not been done. Therefore, the impugned punishment passed by the disciplinary authority, which has been affirmed by the appellate authority is liable to be set aside.

13. Coming to Article VI of the charge, Dr.Chelliah again pleaded that the said charge is also not maintainable. When the petitioner was charged that in most of the cases, no unit exists and no activity was being carried out, but the petitioner, in gross violation of the bank's lending norms, sanctioned the loans in the names of various persons and therefore those loans were treated as bogus loans, the same has not been substantiated by the respondent-Bank, because, assets creations are there in all the applicable cases with evidence such as insurance policies, release of subsidies etc. Therefore, it is wrong to say that no post-sanction inspection reports were made on record and that the loan amounts were allowed to be misutilised, by the petitioner. Replying to a part of the charge that due to non-availability of any security, number of accounts have already been classified as loss assets, Dr.Chelliah replied that this charge is neither maintainable nor taken as an irregularity, more so, for the reason that the presenting officer or the management witnesses were not even able to point out a single case where security was stipulated like housing loan, vehicle loan etc. Therefore, when the presenting officer, before the enquiry officer with the specific documents and oral evidence, was not able to point out any case where there was a NPA account in the name of a borrower when a second loan or loans in the name of their family members were considered and again when the presenting officer was not able to prove before the enquiry officer that the petitioner exceeded his delegated authority by going beyond the permissible exposure to an individual, the said charge cannot be maintained. Moreover, they have not specified which banking norm the petitioner violated and how he got benefited by favouring the borrowers with evidence.

14. Arguing further, the learned Senior Counsel for the petitioner submitted that although there was a charge against the petitioner that in gross violation of the bank's lending norms, he had sanctioned loans in the name of various persons, admittedly, when the borrowers have set right the irregularities and repayments were regularly made even after the bank's proceedings and there was no loss to the bank, the petitioner cannot be found fault with. Even when Mr.Manoharan and his family were sanctioned with a housing loan of Rs.3.25 lakhs only, for which Rs.85,000/- annual income is sufficient, as four times annual income is the eligibility norm for housing loan, no IT return is required for the income upto Rs.1,00,000/- and the same can be assessed by the Manager himself.

15. The learned Senior Counsel arguing further stated

that the Article VII of the charge is also not maintainable, because, it is stated that most of the claims were submitted by the petitioner in statement form on plain paper instead of submitting proper bills of the taxi operator, that on certain dates, payments have been made in cash on the basis of debit vouchers without obtaining any bill or statement of expenses and even the vouchers were not available on record and as such, these payments have been made without any details available for the payments made. Replying to the explanation offered by the petitioner, the learned Senior Counsel stated that the petitioner had agreed to make good any loss to the bank on account of duplicate payments made inadvertently to taxi operators. Had there been any such instructions indicating any flaw or violation of the norms, the petitioner would have rectified the same and he was not put on notice. Therefore, the first part of said charge that he had in gross violation of the bank's guidelines sanctioned a sum of Rs.2,76,740/- mostly to Mr.Mohd.Asik, a borrower of the bank and taxi operator, cannot be maintained.

16. While meeting the Article VII of the charge alleging that the petitioner went against the bank's extant guidelines to sanction taxi fare to Mr.Mohd.Asik on 14.1.2011 for the journeys said to have been undertaken for bank's work without verifying the genuineness of the claims nor admissibility of the taxi travel of the concerned person, Dr.Chelliah replied that the taxi operators are all small time taxi operators in rural village and were not submitting their bills like large operators. However, the petitioner had agreed to make good any loss to the bank on account of payments made inadvertently to the taxi operators. The learned Senior Counsel also stated that the proof of evidence for travelling by taxi to Chennai has been produced, because only the Zonal Manager instructed the petitioner to proceed and oversee the interior works which were incomplete in the newly to be opened branch at Porur in Chennai.

17. Dr.Chelliah, learned Senior Counsel, explaining how the charge IV(i) was wrongly framed, taking up the allegation that there was no proof available for purchase of animals even on record though it was a dairy project, referring to page 23 in volume IV and page 226 in Volume V of the paper book, explained that the loan amount applied for was Rs.2.50 lakhs and the purpose of loan has also been succinctly explained as milch animal.

18. But referring to the joint memorandum dated 7.2.2012 signed by the Chief Manager, Branch Manager, Kadavasal branch and the Manager, Vigilance unit, Chennai, Mr.Irwin Aaron, learned counsel for the respondent bank supporting charge IV(i) stated that no proof for purchase of animals was found on

record. As it was a dairy project, even when the three-member committee visited the place and met the loanees to clarify whether the purchase of animals was made, the loanees were not even able to show their cattle. When the three-member committee visited the residence of the animator of Amudasurabhi Sri Pillayar WSHG at Valluvarkudi, they were informed that one Mr.Ravindran of SKAVANS NGO took a commission of Rs.25,000/- from the sum of Rs.2.50 lakhs and as regards the cows purchased by herself and her daughter Ms.Anusuya, who is also a member of WSHG, she could not show the cows and claimed that the cows were sent to their relatives house. With regard to the cow purchased by Mrs.Indira, she has also stated that the same has been sent to her daughter-in-law's house as a gift. Therefore, when the three-member committee namely, Mr.V.Maheshkumar, Chief Manager, Vigilance unit, Chennai, Mr.G.Sugumaran, Branch Manager, Kadavasal branch and Mr.T.R.Rengachari, Manager, Vigilance unit, Chennai visited the spot and enquired with the purchaser of the cows, there was no proof for purchase of the animals, hence, the charge was rightly made. Referring to page 233 in Volume V regarding the joint memorandum dated 8.2.2012, the learned counsel for the respondent stated when the three-member admittedly visited the residence of Mr.Chellaiya, father of C.Manoharan at Kulothinganallur village, he stated that the loan amount was already availed by Mr.Manoharan and that he would repay the loan amount except for Rs.20,000/- which was the share given to Mr.Chelliah by Mr.Manoharan. The beneficiary also stated that he had repaid Rs.5,000/- to Mr.Manoharan for onward deposit with the branch to his loan account and on further enquiry, he prevented Mrs.Chellaiya from revealing further details. While cross checking the vermi compost unit of Mr.Selvakumar at Thirukkarukavur village, it was found by the visiting team that there was no vermi compost unit existing at the place nor there was any semblance of any such unit being operational there. That shows that the charge levelled against the petitioner was proved and it was not sufficiently explained. Therefore, the punishment is to be confirmed by this Court.

19. Again going to page 49 in Volume IV of the paper book, when Rs.60,000/- loan amount was proposed for sanction in the name of Vennila WSHG, Sirkali, when advance was sanctioned and document obtained at Rs.60,000/- in the name of Vennila WSHG, account no.813077210000400, Rs.1,40,000/- was disbursed without proposal or obtaining fresh document or modifying the limit in the system, the learned counsel for the bank, referring to pages 49 and 52 of the paperbook in Volume IV, stated that the loan amount proposed for sanction was only Rs.60,000/-, whereas Rs.1,40,000/- has been sanctioned. That shows that the petitioner as though running his own bank forgetting for a moment that he is in the services of the bank has distributed the funds to his whims and fancies. Therefore, the enquiry

officer has found him guilty of the charge, for which the disciplinary authority imposed the punishment, which came to be confirmed by the appellate authority. Hence, the concurrent finding of facts cannot be interfered with by this Court sitting under Article 226 of the Constitution of India.

20. Mr.Irwin Aaron, learned counsel for the respondents, urging this Court to dismiss the writ petition, as it is challenging the finding of facts arrived at by the disciplinary authority imposing the punishment of dismissal from service for the proven charges and confirmed by both the appellate and reviewing authorities, argued that the petitioner himself has admitted one of the charges, namely, charge I(C) and referring to the said charge I(C), the learned counsel contended that when the petitioner was charged on 18.2.2010 that he had debited Mr.Selvakumar's CD account by Rs.82,000/- and remitted through NEFT Rs.2,000/- to the petitioner's daughter Ms.Sandhya Menon's account with South Indian Bank and Rs.80,000/- to the account of M/s Aekays, Tirupur and again on 19.2.2010, the petitioner debited the CD account of Mr.S.Selvakumar and remitted Rs.6,000/- through NEFT to his daughter Ms.Sandhya Menon's account, the petitioner in his affidavit at page 17 has clearly admitted that he has routed these transactions through the customer's account instead of routing it through the OD account. The justification given by him that the said transaction was done as the property sold was a general one and he was eligible for one-third of the sale proceeds and without realising the implications in routing the transactions through the customer's account, this was done with the knowledge and concurrence of the customer account to help the petitioner. Secondly, he was also punished for similar irregularities and imposed with the punishment of 'Censure' on 17.5.2010. The petitioner was already subjected to minor penalty proceedings instituted against him for lapses/irregularities alleged to have been committed by him as an officer in the credit department of the bank's Chennai main branch in respect of the account of M/s Das Marine Traders, wherein cash credit limits and FBP limits to the tune of Rs.35 lakhs were sanctioned. In the absence of regular repayment, the amount had to be categorised as NPA and recovery efforts of the bank revealed that the title deeds of the property on the basis of which mortgage was created were vague and that the mortgage was created by an imposter. On the said charge, the petitioner suffered a minor penalty of 'censure' in terms of Regulation 4(a) of the Bank of India Officer Employees (Discipline & Appeal) Regulations, 1976, since the financial loss of Rs.31,17,000/- plus interest has been caused to the bank. When the respondent had already taken a lenient view against the petitioner, he has repeated several irregularities. When the petitioner was charged that several loans were sanctioned in gross violation of the bank's lending norms and

procedures, more particularly, 18 bogus and fictitious crop loans were sanctioned/disbursed and the loan amounts were credited to the savings bank account of Ms.Rajeswari etc., during the enquiry, it was found out that the petitioner exceeding his authority had sanctioned crop loans as against the procedures laid down in ME-135 without getting necessary documents by merely modifying the limit in the system by Mr.Viswanathan, Staff and verified by Mr.Narayanan against the bank's laid down norms. The said charge was found proved on the basis of the deposition of witnesses along with necessary documents. In respect of Article-I(B) of the charges, one Mrs.Manimegalai had denied having availed the crop loan and she also informed that the photo affixed in ME-96a was not hers. However, she added that she received the loan as a member of self help group from the branch and surprisingly, MW7 during their deposition also confirmed that the photo on ME-96a was not of Manimegalai. Besides, ME-100h also clearly established that the family members of Mr.Mahalingam were not in receipt of any loan from Kadavasal branch and they were not having any agricultural land and neither doing agriculture. Therefore, the said charge was also proved. In respect of Article 1-C of the charges, learned counsel for the respondents argued that through the management exhibits and deposition of management witnesses, it has been proved that the petitioner had used the funds of Mr.Selvakumar by operation of his account with the bank and also his relative at Tiruppur and his daughter also received the benefit of various remittances to her account with SIB Limited, Bangalore. When ME-95f, g & h proved that the petitioner used the funds from the account of Mr.Selvakumar for making remittances to his daughter Ms.Sandhya Menon and to his relative M/s AEKAYS, Tiruppur, finally before the enquiry officer, the petitioner also admitted this mistake on his part. When the said article of charge was also proved, no interference is called for. In respect of Article-II of the charges, it was further argued that when the fact of renewal of ten loans failed to prove that those were genuine loans which have been conclusively proved to be bogus during investigation and concrete evidence thereof were also produced in the enquiry, the enquiry officer finding against the petitioner that ME-102 has proved that Mr.A.V.Venkatesan has lent money to Mr.R.Viswanathan, staff and the payments to Mr.Venkatesan are in settlement of his dues. Again ME-95e also proved that all these transactions were done with the knowledge of the petitioner in collusion with the staff members and the customers Mr.Srinivasan and Mr.Selvakumar. Therefore, the enquiry officer has come to the conclusion that allowing the staff member Mr.Viswanathan to utilise the funds for his personal benefit, the petitioner misused his official position and sanctioned 23 bogus loans to accommodate Mr.Srinivasan. Therefore, the said charge was also proved, hence, no interference is called for. Coming to Article-III of

the charges, the respondent management producing several exhibits and witnesses have brought out during the enquiry that Mrs.Usha Rani has been threatened by Mr.Viswanathan, staff of removal of her from the bank's work if she did not sign the loan papers and got it signed through the beneficiary Mrs.Sudharsana. Moreover, Ms.A.Subamathy had also deposed during the enquiry that both of them do not own any piece of agricultural land and thereby confirmed that none of their family members was engaged in cultivation. Surprisingly, they also deposed that they did not even receive any single paise from the proceeds of the loan though they signed withdrawal slips which were used by Mrs.Sudharsana for drawing cash from their savings bank accounts. In view of the aforementioned concrete evidence, the said charge was also proved. Replying to Article-IV of the charges, the respondents have established through MW3 that all the accounts were NPA and the bank was exposed to loss which has also been confirmed by the management exhibits, namely, statement of accounts and more particularly, ME-102 also confirmed the irregularities in the above accounts. Therefore, the said charge was also accepted by the enquiry officer against the petitioner. Similarly, Article-V was easily proved on the basis of the exhibits ME-63, 64, 65, 66, 67, 68 & 69 making it clear that the entire/major portion of the loan was disbursed in the first disbursement itself even though the sanction of the loan was for courses with a duration of 3 to 5 years. Secondly, the petitioner also admitted that certain irregularities mentioned are rectifiable that will not absolve him from the charges. Hence, the fifth charge was also proved. In respect of Article-VI of the charges, learned counsel for the respondents, while dealing with the mortgage loan sanctioned to Mr.K.Raghavan's family members, submitted that the enquiry officer has rightly come to the conclusion that Rs.10 lakhs has been disbursed against the zonal office approval and this was confirmed by MW3 during the enquiry on 13.5.2013. Again through ME-128, it was proved that the branch has not prepared any proposal, because no record was available with the branch and the loan has been disbursed without sanction in all the three accounts, namely, Mrs.R.Meenakshi, wife of Mr.Raghavan, Mr.R.Chatrukan Kumar, son of Mr.Raghavan and Mr.R.Ramkumar, son of Mr.Raghavan. It was also further confirmed that no CIBIL reports in respect of the borrower were generated. Moreover, the IT returns were not even obtained from the borrowers. Therefore, the said charge that the borrowers belong to the same family was also proved in the enquiry. Hence, no interference is called for. Coming to the last charge under Article-VII, it was argued that when the petitioner has not produced any evidence or witness that the vehicle was used for official work and approval from the appropriate authority was obtained and on the other hand, the respondents were able to establish that no authority from the zonal office for travel by taxi by the branch manager

was available in the branch record, Article-VII of the charges also stood proved. When the petitioner failed to discharge his duties with utmost honesty, integrity, devotion and diligence and also failed to ensure and protect the interest of the bank, which amounts to breach of Regulation 3(1) of the Bank of India Officers Conduct Regulations, 1976, that he failed to protect the interest of the bank and the bank was also exposed to huge financial loss on account of gross negligence and that the bank being the custodian of public funds and expects its employees and officers to function in a proper manner with honesty and integrity and that in the enquiry, all the charges levelled against the petitioner were conclusively proved that he had committed acts of misconduct which are serious in nature, considering the gravity of the omissions/commissions proved on the part of the petitioner and the consequent financial loss the bank has been exposed to, the disciplinary authority imposed the punishment of dismissal, which shall ordinarily be a disqualification for future employment in terms of Regulation 4 (j) of the Bank of India Officer Employees (Discipline & Appeal) Regulations, 1976 for the charges proved against him to meet the ends of justice. Supporting the impugned orders passed by the authorities below, the learned counsel for the respondents submitted that when the enquiry was conducted in accordance with the provisions contained in the Bank of India Officer Employees (Discipline & Appeal) Regulations, 1976 by giving all reasonable opportunities to both the presenting officer and the petitioner to put forth their respective cases, the petitioner actively participated in the enquiry by utilising the services of the defence assistant, in the course of enquiry, the entire evidence in respect of each article of charges was produced in the presence of the petitioner and he was also given an opportunity to examine and cross examine the same. Finally the enquiry officer gave his finding on the articles of charge during the regular hearing and held that all the charges were proved. After the filing of the report by the enquiry officer, the petitioner was also furnished with the copy thereof and issued with the show cause notice to give his written explanation as to why the report of the enquiry officer should not be accepted. Secondly, the petitioner also gave his written explanation on 17.8.2013. Even in his further explanation, he has again admitted that the irregularities have taken place as very large credit was handled by him single handedly along with other business targets. The justification given by the petitioner in the explanation submitted to the enquiry officer's report that as he was the only officer in the branch, in order to mobilise business visited government offices at various levels and travelled extensively and the miscalculation on the expenses was only inadvertent, cannot be accepted. Again explaining the maintainability of the writ petition as against the findings of fact arrived at by the three authorities, namely, disciplinary,

appellate and reviewing authorities, taking support from the judgment of the Apex Court in the case of State of U.P. & others v. Anand Kishore Shukla, AIR 1996 SC 1561 holding that even if one of the charges being held proved would be sufficient for imposition of penalty by the disciplinary authority or by the appellate authority, the Court would be loathe to interfere with that part of the order, he pleaded that when it is a settled law that this Court is not a Court of appeal to go into the question of imposition of the punishment, because, it is for the disciplinary authority to consider what would be the nature of punishment to be imposed on an employee upon the proved misconduct and the proportionality thereof also cannot be gone into by the Court.

21. Again referring to the judgment of the Apex Court in Central Industrial Security Force and others v. Abrar Ali AIR 2017 SC 200, the learned counsel for the respondents submitted that it is a well settled legal position that re-appreciation of evidence is not permissible in the exercise of jurisdiction under Article 226 of the Constitution of India. Restating the said principle, the Apex Court has further held that the Courts will not act as an appellate Court and reassess the evidence let in the domestic enquiry nor interfere on the ground that another view is possible on the material on record. Therefore, the Courts cannot interfere with the finding of facts recorded in the departmental enquiries except when such findings are based on no evidence or where they are clearly perverse. In the present case, when the enquiry officer found the petitioner guilty of all the charges, accepting the finding of guilt arrived at by the enquiry officer, the disciplinary authority has imposed the punishment of dismissal, which was also confirmed by both the appellate and reviewing authorities. Hence, the writ petition is not maintainable. Again, referring to the judgment in Union of India and others v. P.Gunasekaran, (2015) 2 SCC 610, which was quoted with approval in paragraph 8 of the judgment in Abrar Ali's case holding that in disciplinary proceedings, the High Court cannot act as a second Court of first appeal and in exercise of its power under Article 226/227 of the Constitution of India, the High Court cannot venture into re-appreciation of evidence, pleaded for dismissal of the writ petition.

22. The learned counsel for the respondent bank, addressing on the articles of charge, also submitted that when the Kadavasal branch in which the petitioner was working as a branch manager was inaugurated on 15.11.2008, from the date of opening of the branch on 15.11.2008, there was exceptional growth in both the accounts opened and in financial. Therefore, a detailed Risk Based Internal Audit of the bank was conducted on 19.11.2015 covering all the borrower accounts and accounts

of the branch to verify the exceptional growth. After going into the alleged irregularities pointed out 45 major irregularities and also issued a special letter citing grave irregularities. Based on the serious findings made in the audit report indicating that the situation at the branch was alarming, urgent steps were called for remedial action. Thereafter, an internal investigation in the matter was conducted by Mr.V.M.Kumar, Chief Manager, Investigation, Vigilance Unit, South Chennai and the said interim investigation report also pointed out serious irregularities by the then branch manager Mr.V.Narayanan, the petitioner herein and the staff CTO Mr.R.Vishwanath. Both of them were placed under suspension with effect from 26.4.2012 pending investigation and enquiry. Thereafter, a detailed investigation in the matter was conducted by Mr.V.M.Kumar, Chief Manager Investigation, Vigilance Unit, South Chennai. The said inspection report submitted by the investigating officer regarding the major irregularities and in addition thereto, it unearthed several instances of bogus financial done to favour particular individuals. Moreover, grave mismanagement in the branch profit and loss account were also found. Only thereafter, a memorandum calling for explanation dated 20.6.2012 listing the allegations revealed against him was served upon the petitioner and reply was also obtained. Subsequently, the articles of charge along with the statement of allegations both dated 23.11.2012 were issued to him calling upon him to submit his explanation. Pursuant thereto, the petitioner submitted his written statement of defence dated 6.12.2012 denying the charges levelled against him. In view of denial of the allegations, to find out the truth and the correctness of the charges levelled against the petitioner, a departmental enquiry was conducted and he was given fair and reasonable opportunity to defend his case with the assistance of the defence expert on the principles of natural justice. After long hearings and reasonable opportunities given to the petitioner, the enquiry officer on consideration of all materials placed at the time of enquiry and after due application of mind, found that all the charges levelled against the petitioner were proved. Thereafter, by following the rules of natural justice, the copy of the report of the enquiry officer was served upon the petitioner along with the second show cause notice calling upon him to submit his second explanation thereto. Accordingly, he also submitted his written explanation asking the disciplinary authority not to accept the report of the enquiry officer. However, the disciplinary authority, after considering the detailed documentary evidences, has come to the conclusion that the petitioner has unauthorisedly used the customers account for remitting the funds to the account of the petitioner's daughter by NEFT and without obtaining approval from the superior authority, the petitioner has paid a sum of Rs.2.76 lakhs by debiting profit and loss, travelling expenses and all the

charges levelled against the petitioner as per the article of charges were proved in the enquiry with substantial evidence and with deposition of witnesses. When the disciplinary authority, accepting the report of the enquiry officer holding that all the charges levelled against the petitioner are proved, the petitioner being the custodian of public funds and exhibits, the bank expects its employees and officers to function in a proper manner with honesty and integrity, confirming the findings of the enquiry officer conclusively proving that the charges against the petitioner were established and proved, keeping in mind the gravity of the omissions/commissions proved on the part of the petitioner, the consequential financial loss the banks has been exposed to, the disciplinary authority imposed the punishment of dismissal which shall ordinarily be a disqualification for future employment, in terms of Regulation 4 (j) of the Bank of India Officer Employees (Discipline & Appeal) Regulations, 1976 and on further appeal, the appellate authority also has confirmed the same. Even after the appeal, the petitioner went on further appeal before the review authority, who also reconfirmed the punishment of dismissal from service. Therefore, it is well settled law that even if one of the charges is proved, the same is sufficient for imposition of penalty by the disciplinary authority or by the appellate authority. While so, the Court cannot interfere with that order, accordingly, sought for dismissal of the writ petition.

23. Again referring to yet another judgment of the Apex Court in the case of State Bank of India v. Samarendera Kishore Endow, CDJ 1994 SC 992 for the proposition that the Court is not concerned to decide whether the punishment imposed is appropriate having regard to the misdemeanour established, he pleaded that the Court can interfere where the penalty imposed is arbitrary or grossly excessive or out of proportion for the offence committed or unwarranted on the facts and circumstances of the case. Based on the above ratios, concluding his arguments, the learned counsel for the respondents contended that the High Court in exercise of the power under Article 226 shall not venture into re-appreciation of evidence.

24. Heard learned counsel for the parties.

25. The petitioner Mr.V.Narayanan, Staff Officer (MM-II)), while serving in Kadavasal Branch of Bank of India from 15.11.2008 to 17.6.2011, was placed under suspension by order dated 26.4.2012 based on certain acts of grave irregularities in respect of disbursement of around 4257 loan accounts during his tenure involving an amount of Rs.34,50,89,590/-. The petitioner gave the letter dated 2.5.2012 placing his case for revocation of the suspension order that by dedicating to the progress of the branch, 6000 SB accounts were opened on the date of shifting

the branch on 19.11.2010 for which celebration also took place in the presence of the District Collector, General Manager, Zonal Manager in addition to 6000 customers and local people. Thereafter, the petitioner was invited as special invitee for the Zonal Manager's conference held on 4.1.2011 at Powai in Mumbai and he was felicitated by the Chairman cum Managing Director in appreciation of his good work done. In the said explanation, he has also recalled that only to create a name for the bank, to help the poor and downtrodden in the locality by encouraging agricultural operations by extending crop loans, encouraging self help groups to avail loans etc., finally asked for revocation of his suspension order by giving a fair chance of natural justice to prove his innocence. However, he was issued with the memorandum dated 20.6.2012 calling for explanation to various charges listed therein. On receipt of the aforesaid memorandum, the petitioner gave his explanation on 13.7.2012 denying each and every allegation put against him. Finally, he was issued with the articles of charge on 23.11.2012 containing seven charges calling upon him to submit his explanation. Accordingly, the petitioner once again submitted his detailed explanation on 6.12.2012. But the respondent-Bank, declining to accept his explanation, appointed Sri.A.D.Vijayakumar, Staff Training College, Chennai as the inquiring officer (IA) to hold inquiry into the charges levelled against him and also appointed Sri.K.Sevagapandian, Senior Manager, Vigilance Unit-South, Chennai as the Presenting Officer (PO). Copy thereof was also sent to the petitioner.

26. At the outset, it may be mentioned herein that the enquiry officer, on completion of the enquiry, submitted a long and detailed report dated 31.7.2013 holding all the seven charges were proved on the basis of the evidence and findings given therein. Consequently, the petitioner was issued with a copy of the report of the enquiry officer calling upon him to submit his representation to the report of the enquiry officer. Accordingly, he has also submitted his written representation on 17.8.2013. Disagreeing with the same, the disciplinary authority came to the conclusion that the petitioner has committed acts of misconduct and thereupon considering the gravity of the omissions/commissions proved on the part of the petitioner and the consequential financial loss the bank has been exposed to, the Assistant General Manager, Chennai Zonal office and Disciplinary Authority imposed the penalty of dismissal, which shall ordinarily be a disqualification for future employment, in terms of Regulation 4(j) of the Bank of India Officers (Discipline & Appeal) Regulations, 1996 upon the petitioner to meet the ends of justice. Being aggrieved by the order of penalty dated 23.10.2013, the petitioner filed appeal before the National Banking Zonal Manager, Chennai Zone/appellate authority, who also, agreeing with the findings and conclusions

given by the disciplinary authority, confirmed the major penalty of dismissal, which shall ordinarily be a disqualification for future employment. The reason given by the appellate authority shows that there was no justifiable reason for reconsideration of the penalty imposed against the petitioner. Yet again, the petitioner filed a review unsuccessfully and the General Manager, H.R. and Reviewing Authority also dismissed the same by order dated 30.10.2014. As against that, the present writ petition has been filed.

27. When the petitioner was serving as branch manager in Kadavasal branch, an internal audit was conducted from 19.8.2011 to 11.9.2011 relating to the borrowal accounts, branch accounts and other areas of the branch to verify the exceptional role and the audit pointed out 45 major irregularities and issued a special letter citing grave irregularities occurred in the petitioner's branch. An internal investigation in the matter was also conducted by Mr.Barath Kumar, Investigation, Vigilance Unit, South Chennai and such report also pointed out certain irregularities allegedly committed by the branch manager Mr.V.Narayanan, the petitioner herein and staff CTO R.Viswanathan. Therefore, both of them were placed under suspension with effect from 26.4.2012 pending investigation and a detailed investigation was also conducted by Mr.V.M.Kumar, Chief Manager, Investigation, Vigilance Unit, South Chennai. Finally, an investigation report dated 1.6.2012 was submitted making certain observation regarding the irregularities relating to instances of bogus financial loans done to favour particular individuals. Therefore, a memorandum calling for explanation dated 20.6.2012 was served on the petitioner. On receipt of the same, he has also submitted his detailed reply. Finding that the explanation was not satisfactory, the articles of charge dated 23.11.2012 was issued calling upon the petitioner to submit his written explanation. The said articles of charge contained seven charges.

28. Moving to the charge under Article 1A alleging that the petitioner unduly accommodated one Mr.S.Selvakumar by sanctioning several loans to him and to his relatives in gross violation of the bank's lending norms and procedures was denied by the petitioner, on completion of enquiry, the enquiry officer has given a finding that the said charge was proved. When the petitioner was inter alia charged under Article 1A that several loans were sanctioned in gross violation of the bank's lending norms and procedures and Mr.S.Selvakumar's mother and father were sanctioned a loan of Rs.2 lakhs each for brick kiln, but no new unit was established, the enquiry officer after going into the charge 1A in page 272 of Volume-I has recorded against the petitioner that ME-100f page 3 confirms that Mr.Selvakumar and Ms.D.Janaki admitted that they have availed fake crop loans in

others names with forged land service certificates and credited to their account. Whereas the petitioner defended that crop loans were sanctioned as per the eligibility based on the papers submitted by the borrowers. To find out the correct position, when an inspection was undertaken, Mr.Selvakumar and Ms.D.Janaki, after visiting the branch in connection with the enquiry, admitted that fake crop loans were availed in others names with forged land record certificates (Chitta, Adangal) and the joint memorandum dated 27.3.2012 submitted by the inspecting team in this regard reads as under:-

"They admitted that fake crop loans were availed in others names with forged Land-record certificates (Chitta-Adangal) and credited to their accounts and that of Mahalakshmi etc., and offered to close them. As they were reluctant to write self-implicating statements and also relating staff-related transaction in their accounts, their statements were not recorded. (Page 252-Vol.V)"

In confirmation of the same, the petitioner also pleaded before the enquiry officer that if these two individuals Mr.Selvakumar and Ms.D.Janaki admitted that they have availed crop loans with forged land record certificates to credit the loan amount to their account, then, criminal action can be initiated, clearly shows that the petitioner could have verified before sanctioning the crop loans, which he has failed to do. Without doing so, the pleading made by the petitioner that he had considered the applications in good faith, cannot be espoused as an acceptable explanation.

29. While coming to Article 1B that 18 more fictitious crop loans were disbursed/sanctioned and credited in the savings bank account of Mrs.S.Rajeswari, mother of Selvakumar and his own SB and CD accounts, Dr.Chelliah, referring to ME100 f joint memorandum as evidence pleaded by the management, argued that when the joint memorandum was not signed by Mr.Selvakumar or his wife D.Janaki, that cannot be accepted as evidence, although it was signed by the investigation officer.

30. I also find merits on the submission made by Dr.Chelliah that the joint memorandum dated 27.3.2012 was signed by the inspecting officials, whereas Selvakumar and D.Janaki never signed. Therefore, it is difficult to accept the joint memorandum as a piece of memorandum against the petitioner. Whereas Mr.Dhandapani, father of D.Janaki and uncle of Selvakumar has informed that ME 100 f at page 243 in Volume V that he had not possessed agricultural land or does cultivation on contract basis, even Mrs.Chinnaponnu, who is the wife of

Mr.Dhandapani and Ms.Sathya, who is the daughter of Dhandapani and also sister of D.Janaki have stated that the loans were sanctioned on the basis of fabricated chitta, adangals. The inspecting team consisting of M/s V.M.Kumar, Chief Manager-Inv., Vigilance Unit, Chennai, Jose Manikathan, Officer-BOI, Kadavasal Branch, T.R.Rengachari, Manager, Vigilance Unit, Chennai filed a joint memorandum dated 26.3.2012 stating that they have enquired Mrs.Manimegalai, wife of Rajagopal, the same has not been endorsed by the VAO or any acceptable witness. Therefore, that joint memorandum dated 26.3.2012 also cannot be taken on record. However, when ME98 registered letter addressed to Mrs.Kavitha stated that there was no such person, sanctioning of loan by the petitioner without carrying out any due diligence for the purpose of accommodating Mr.Selvakumar and his family, indicates something wrong with the petitioner. Moreover, ME16 dealing with crop loan no.7631/962 of Mr.Prabhu shows that Mr.Prabhu was not available in India when the crop loan was sanctioned. Therefore, the allegation made by the respondent bank against the petitioner that the loan is sanctioned by the petitioner at the request of Mr.Selvakumar has to be accepted as established. So far as account no.LN7631/692 of Prabhu is concerned, there is an allegation that fictitious crop loan was disbursed and the amounts were credited in Selvakumar's relative account, Mr.Prabhu and his wife on enquiry informed that they are not aware of the SB account of 3132 and crop loan of Prabhu. When the loan was obtained in the name of Mr.Prabhu who is having a NRE account no.132172 with the branch opened on 12.4.2011, even before opening that account, he was in Saudi Arabia. Therefore, there was an allegation that the bogus SB account was opened in the name with the photo of same such person and bogus crop loan was linked to that account with customer ID no.107262376 and the amount was disbursed in the account of Ms.Rajeswari on 4.10.2010. Since Prabhu and his wife themselves informed that they are not aware of SB account 3132 and the crop loan of Prabhu, the enquiry officer found that there is documentary proof that the amount of crop loans credited in Rajeswari's account were transferred again to Mr.Selvakumar. Although Dr.Chelliah disputed the said allegation stating that Mr.Prabhu was available in his native place in the address provided in the visa and passport, the evidence let in by Mr.Prabhu and his wife informing that they are not aware of the SB account no.3132 and the crop loan and the further documentary proof that the amount of the incorrect loan was credited in Rajeswari's account were transferred to the account of Selvakumar, indicates that such a charge is substantiated against the petitioner.

31. Even the inspecting team, while visiting the residence of Mr.Prabhu and his wife Mrs.P.Gowthami at the Post Office Street, Vettangudi, for the question posed to them whether they availed the crop loan in account no.7631/692 and

7631/654, both of them denied any knowledge of such loan accounts. Even Mrs.P.Gowthami informed the inspecting team that she has availed only educational loan of DTED of Rs.20,000/- and she had shared the passbook of her SB account no.1011/2106. Again while enquiring with Mrs.Saraswathy, W/o Sammandham at Mariamman Koil Street, the team found that the husband of Mrs.Saraswathy died 14 years back and that his father's name was Govindasamy and not Muthukannu. Therefore, the team confirmed that Sammandham, S/o Muthukannu was a fictitious identity. Finally, the investigation report dated 1.6.2012 marked as ME102 shows that an enquiry was conducted by visiting the Kadavasal branch from 1.12.2012 to 19.12.2012 and again from 20.3.2012 to 28.3.2012 by taking statements of concerned persons wherever possible. Finally the said report disclosed that there was no proper identification of borrowers, proper processing was made before sanctioning the loan amounts. The investigation report dated 24.7.2012 also shows that Mr.S.Selvakumar and Ms.D.Janaki have made regular remittances into the account of Ms.Sandhya Menon ranging from Rs.1,000/- to Rs.26,000/- totalling amount to Rs.89,500/-. The receipt of that money by the petitioner from Selvakumar has not been satisfactorily proved. On this score, the report says that the petitioner was in regular receipt of money from Mr.Selvakumar in whose favour various bogus/fictitious loan accounts were disbursed by the petitioner through his daughter's account and also by debits directly made from Selvakumar's accounts for making NEFT. But this is not the charge. Therefore, no reference can be made thereon.

32. When the account no.7631/778 of Mrs.Rajalakshmi, Wife of Manikanthan was verified in field verification to find out whether on 1.10.2010 Rs.47,000/- from Mrs.Rajalakshmi's loan account was credited in Mr.Selvakumar's account if the applicant proved that such person is not residing in the given address, even the registered letter sent in her name also returned undelivered. Therefore, the enquiry officer has found against the petitioner that the petitioner wrongly sanctioned the loan without carrying out any due diligence for the purpose of accommodating Mr.Selvakumar and his family for sanctioning the bogus loans. These allegations have not been explained before this Court as wrong or unwarranted.

33. One another allegation made against the petitioner that account no.7631/857 of Mahalingam without even any sanction order, without even enclosing the photocopy of the borrower, the amount was credited in Mrs.Mahalakshmi's account on 29.10.2010, no proper explanation was offered by the petitioner, although Mahalingam claimed over phone that he had actually availed the loan, it is not known how without any proposal, sanction order or photocopy of the borrower in the application, any loan can be sanctioned. One another allegation has been made against the

petitioner in account no.7631/860 Mrs.Manimegalai, wife of Rajagopal, loan account of Mrs.Mahalakshmi on 29.10.2010. The said Mrs.Manimegalai revealed that she did not avail the loan, even the photo used in her SB account is of another lady. Finally, the credit amount was used by Mr.Selvakumar for purchasing DD for Rs.1,90,000/- favouring Ms.T.Sudha. When Mrs.Manimegalai was contacted by the inspecting team, she denied having availed the crop loan as per ME25. But the petitioner has not given any explanation to the said allegation. That shows that the charge against the petitioner that the loan amount of Rs.94,000/- was credited in Mrs.Mahalakshmi's account on 29.10.2010. When there is no explanation denying the said allegation, it goes without saying that the said charge stands proved.

34. Turning to Article-II, Dr.Chelliah, asking the Court to refer to ME-101, argued that when all the respective borrowers accounts were credited first and subsequently, the amounts were transferred to other accounts as per their own request, justifying that the grant of loan is considered and sanctioned only based on the bank's lending norms, the conclusions of the enquiry officer, disciplinary authority and the appellate authority are baseless, because they do not reflect the application of mind to the explanation given by the petitioner. The learned Senior Counsel further argued that, wrongly giving undue credence to the lone evidence of joint memorandum, neither the enquiry officer should have accepted the charge against the petitioner nor the disciplinary or the appellate authority should have given the stamp of approval. Referring to Article-II charging the petitioner that he misused his official position and disbursed five bogus crop loans amounting to Rs.2,49,000/- through a mediator Mr.Gunasekaran, that the funds were credited to the SB account no.2348 of Mr.R.Sreenivasan on 13.10.2009, Dr.Chelliah submitted that out of 23 accounts, most of the loans were first given in 2008-09 season and it was during the year 2009-10 the alleged transfer has taken place. After he was transferred from the branch in June, 2011, during the crop season 2010-11 and 2011-12, majority of these loans were renewed and some of the accounts were closed by the respective borrowers. Moreover, when Mr.Sreenivasan was not even examined by the enquiry officer, the finding given against the petitioner holding that charge-II was established, is unknown to service jurisprudence.

35. Continuing his arguments, Dr.Chelliah submitted that when MW3 despite being one among the team who visited the borrowers and found them to be bogus, the very same MW3 himself has renewed the loans against the same fabricated chitta and adangals and the bank management also found that he did it in the interest of the bank. But it is not known why the petitioner

alone has been discriminated. When the petitioner has given some loans, they were considered as bogus loans, whereas when the bogus loans were renewed by MW3, they were considered as not bogus. That clearly shows that the enquiry has been unfairly held against the petitioner. The stepmotherly treatment shown by the bank awarding major punishment against the petitioner and rewarding promotion to MW3 is a clear case of discrimination.

36. In reply, Mr.Irwin Aaron, learned counsel for the respondent bank, refuting the allegation, stated that the petitioner misusing his official position of sanctioning and disbursing five bogus crop loans, has wrongly credited the proceeds of these five bogus crop loans into the account of Mr.R.Sreenivasan on 23.10.2008 and the same was utilised by one Viswanathan another staff of the bank. Therefore, while initiating action against the entire staff of the branch, he was also dismissed from service under the proceedings dated 7.11.2013. Therefore, the allegation made against the respondent bank that discriminatory treatment was shown to the petitioner is wholly unfounded. Adding further, it was stated that out of the five crop loan borrowers, four loans, namely, N.Jayashankar, R.Ezhili, Ezhilsivaraj and Mrs.J.Anusaya were closed on the same day, namely, 28.3.2012 and the other loan was classified as NPA account. On 24.10.2010, 23 more bogus loans including the aforementioned five borrowers loans were sanctioned and the proceeds therein amounting to Rs.14,16,158/- were credited to the very same account. Since the loans were mobilised by one Gunasekaran and the officials received Rs.1,000/- as commission, Rs.2,000/- for signing the loan application and withdrawal, from the joint memo vide 100-D, it is evident that the borrowers are not agriculturists and they received by way of commission Rs.1,000/- to Rs.2,000/- and also vide 100-E at page 241 in Vol.V. This charge has been admitted by the petitioner in paragraph-100E.

37. A copy of the joint memorandum 100E dated 26.3.2012 found at page 247 in Vol.V shows that M/s V.M.Kumar, Chief Manager-Inv., Vigilance Unit, Chennai, Jose Manikathan, Officer-BOI, Kadavasal Branch and T.R.Rengachari, Manager, Vigilance Unit, Chennai visited Keelatheru, Vazhuthalakkudi and enquired with Mrs.Manimegalai, W/o Rajagopal. The said Manimegalai told them that her name and address are correct as per the crop loan document no.7631/860, but the photo affixed in the SB account opening form does not belong to her and the lady in the said photo could not be identified. She also denied having availed any crop loan from the Bank of India, Kadavasal, but she added that she received Rs.15,000/- as members Yamuna Self Help Group. Again when the team visited the residence of Mrs.Sudharsana at House No.3/53, New No.7, she also told that as per her request, Mr.Viswanathan and Mr.Narayanan had sanctioned crop loan account

in the name of Usha Rani and her daughter Subamathy and made funds available to her for utilisation of the funds in the marriage of her daughter. When the team met Mrs.Saraswathi, W/o Sammandham at Mariamman Koil Street, Vettangudi in respect of crop loan no.7631/861, she denied to have availed any loan from Bank of India, Kadavasal. Again when the team visited the house of Mr.Dhandapani and showed him the loan documents of himself in no.7631/742, his wife Mrs.Chinnaponnu.D in no.7631/770 and daughter Ms.Sathya in no.7631/687, the said Dhandapani told them that all these loans were sanctioned by his relative Mr.Selvakumar who availed the funds, because he has got no farm land either owned or on contract cultivation. It was also stated by him that all chitta adangals were arranged by Mr.Selvakumar. When the team again searched for crop loanee Ms.Sundari, D/o Mohan for loan no.7631/727, no such person was found to be residing in the street/area. When Mrs.Saraswathi, W/o Sammandham denied having availed the loan from the Bank of India, Kadavasal, it is not known how the said amount was sanctioned by the petitioner. Again the loans given to Mr.Dhandapani, his wife Mrs.Chinnaponnu and their daughter Ms.Sathya were not availed by them. On the other hand, they were availed by Mr.Selvakumar. When Mr.Dhandapani himself has admitted that he was not having any farm land, the petitioner should have verified before sanctioning the loan amount. Therefore, I find that the finding given by the enquiry officer holding the petitioner guilty of the charge, is in order.

38. Again Mr.Selvakumar and D.Janaki after visiting the branch in the enquiry admitted that fake crop loans were availed of in others names with forged land record certificates and credited to their accounts and that of Mrs.Mahalakshmi etc. But they have not appended their signature. Therefore, I do not wish to say anything thereon.

39. Coming to Article-III of the charge, Dr.Chelliah argued that the nature of charge levelled against the petitioner shows the bad intention of the respondent bank to link the petitioner when there was no collusion by the petitioner with any staff or borrowers. When Mrs.Usha Rani, MW5, during her cross examination, has stated that the mother of Viswanathan taking a loan was brought to the notice of the branch manager at the time of taking lunch, for a specific question posed to her as to whether the mother of Viswanathan forcing or threatening her to sign the loan documents, she answered "No. I have not." On this basis, Dr.Chelliah stated that the entire charge that the petitioner colluded with Viswanathan is disproved by Mrs.Usha Rani in her deposition.

40. In reply, Mr.Irwin Aaron, learned counsel for the respondent-Bank stated that Mrs.A.Usha Rani also deposed during

proceedings that Mr.Viswanathan threatened her to sign the loan documents and also further stated that she did not have any agricultural land and also not submitted any chitta, adangal. Even Ms.Subhamathy, D/o Mrs.Usha Rani had deposed during the course of enquiry that none of their family members are engaged in cultivation. When they themselves confirmed that they were not aware of the chitta, adangals kept along with the loan documents, they also added that they did not receive any single paise from the proceeds of the land and they have signed the withdrawal slips which were used by Mrs.Sudharshana for drawing cash from their SB account.

41. I also find some force on the submissions made by the learned counsel for the respondent that when Ms.Subhamathy, D/o Mrs.Usha Rani deposed during the course of enquiry that they did not own any piece of agricultural land and confirmed that none of their family members was engaged in cultivation and that they further confirmed that they were unaware of the chitta, adangals kept along with the loan documents, the finding given by the enquiry officer that the Article III of the charge stands proved against the petitioner, is also in order.

42. While coming to Article IV of the charge, Dr.Chelliah argued that the petitioner has rightly brought to the notice of the enquiry officer that the growth of business was increasing day-by-day and so was the work pressure. Therefore, when he asked for additional staff, no such additional staff was sanctioned. Hence the petitioner was struggling to meet the rural poor with a view to enhance the image of the branch without rejecting the genuine loan applications on the ground of shortage of staff. Under these circumstances, some lapses might have taken place like effecting necessary changes in the documents when the loan accounts were changed as per the constant request of borrower and self help groups.

43. The reply argument of the respondent's counsel is that the plea of the petitioner that the growth of business was increasing everyday putting more pressure on the petitioner, as a result he was struggling to meet the expectation of the rural poor, cannot be a justification to sanction the loan without proper verification.

44. I also find some force on the submission made by the learned counsel for the respondent bank, because the defence taken by the petitioner that due to shortage of staff, he had committed certain lapses and irregularities which can be rectified at the branch level, cannot be accepted, inasmuch as if any irregularity consequently causes financial loss to the bank, such gravity of omissions leading to the financial loss cannot be accepted. Therefore, the charge as found proved, is

found in order.

45. Moving to Article-V of the charge, Dr.Chelliah pleaded that the said charge cannot be maintained as per the RBI and Bank of India guidelines. The reason being, he pleaded, that the service area concept is not applicable to the grant of educational loans. When the petitioner was charged that he had sanctioned and disbursed about 655 educational loans in utter disregard to the norms of the bank, most of these educational loans were granted to the students hailing from poor educational background. Majority of them are girl students and all of them got admissions for the respective courses, which is the main criteria for obtaining the educational loan. Therefore, the applications received from self help groups, panchayat, block development offices, the bank had to consider them also. In most of the cases, for agricultural loans, property is accepted as security as the value for the same is adequate for the proposed limit. The learned Senior Counsel also stated that the irregularities mentioned in item nos.2 & 6 are rectifiable, as the course is not yet over as well as adequate security is available.

46. Opposing the above, the learned counsel for the respondent-Bank submitted that DE37 RBI circular/12/13-291 dated 9.11.2012 is applied for Government sponsored schemes and not applicable to sanction educational loans. But the entire educational loans were sanctioned and disbursed earlier to the above RBI circular. Therefore, it is proved through ME188 of Kadavasal branch letter dated 5.4.2013 that SVD, Life Policy, CRISIL reports, the progress reports were not available in the bank's record in the case of all educational loan accounts. Taking note of the fact that the petitioner was unable to produce any evidence or witness to counter this charge, the enquiry officer found the charge proved holding that the petitioner grossly violated the norms of the educational loan.

47. When it is explained by the petitioner that the irregularities mentioned in item nos.2 & 6 are rectifiable, as the course is not yet over and the additional amount is not yet disbursed, I do not find why the disciplinary authority and the appellate authority have not given their finding as to how the charge is clearly established. Therefore, the finding of the enquiry officer that the charge no.V is proved, cannot be accepted.

48. Coming to Article-VI of the charge alleged against the petitioner, inter alia, that most of the loans were bogus, as there were no activities and whereas the funds were utilised by the principal persons, that most disbursements were in cash, Dr.Chelliah defending the charge as not sustainable, stated that

assets creations were all there in all the applicable cases with evidence such as insurance policies, release of subsidies etc. So far as the allegation that no IT returns of the beneficiaries were obtained, the learned Senior Counsel stated that no IT returns are required, as the income upto Rs.1 lakh can be assessed by the Manager himself. It was stated that there were insurance policies for the loans taken. In Mr.Sunderraj's case also, his house property is there as security. Again going to page 174 in Vol.IV dealing with Mrs.R.Meenakshi, who is a borrower, the learned Senior Counsel stated that towards security, equitable mortgage of 4.11 acres of agricultural lands was taken from Mrs.Meenakshi. The legal opinion obtained by the bank shows that the title deeds are genuine, valid, clear, absolute and marketable, as per the legal opinion report dated 27.2.2011 of Mr.K.Seetharaman advocate on the bank's panel. Again the market value of the property was Rs.15 lakhs as per the certificate issued by the Tahsildar dated 4.3.2011. But the written statement of defence given by the petitioner on 20.6.2013 admits the lapses committed by him, which are given as under:-

"Due to pressure from the borrower, process were done and we were not aware of the fact that the sanction was only for Rs.9 lacs as against Rs.10 lakh recommended by the branch. Documentations, EM, opening of accounts etc were completed for Rs.10.00 lacs each and were subsequently disbursed also. There was an undertaking from Mr.K.Raghavan that the rent amount receivable every month will be evenly paid into the 3 mortgage loans and the same has been effected from the next month owners. The fact that loan has been disbursed for more amount than the approved amount was observed only at the time of the subsequent Audit and by the time, I was transferred from the branch."

Again the written statement reads as follows:-

"This error has occurred due to reasons explained above and may kindly be accepted considering the situations explained above and also considering the fact that Mr.K.Raghavan is a respectable person in the locality and has mortgaged adequate landed property for the loans. I humbly submit that taking into account the asset coverage, the present outstanding, asset being standard asset, branch may submit a review proposal for existing outstanding level to regularize the irregularity. Here again the error can be

easily rectified by putting up a review proposal reducing the loan amount for which borrowers are acceptable."

49. In view of the above, it is not known how this can be taken as reasonable and responsible explanation from a responsible officer of the bank. Therefore, this Court is unable to find fault with the findings of the enquiry officer holding the said charge as proved.

50. Turning to Article VII of the charge alleging that during the period 14.1.2011 to 7.6.2011, the petitioner paid a total amount of Rs.2,76,740/- to taxi operators Mr.Mohd.Asik, Mr.S.Selvakumar and Mr.S.Sankar without any valid trip bills with the date of journey and that the petitioner had no authority to travel to outstations by taxi, because, he had no authority to sanction such bills also, which should have been sanctioned by the Zonal Office, the learned Senior Counsel submitted that in rural villages, only small taxi operators are available and they would not submit their bills like large operators. It is also further stated that a charge is levelled against the petitioner that he had used the taxi for his personal use. There is no such proof of evidence for the same. However, the petitioner had agreed to make good any loss to the bank on account of duplicate payments made inadvertently to taxi operators. But this has been completely overlooked and held the charge as proved.

51. A perusal of the report of the enquiry officer running into 27 pages holds that the petitioner did not follow the guidelines of the bank and failed to protect the interests of the bank while processing/sanctioning many loan applications and that the petitioner unauthorisedly used the customer's accounts for remitting funds to the account of his daughter and relative by NEFT. One another finding of the enquiry officer given against the petitioner shows that without obtaining prior approval from controlling authority, the petitioner had paid an amount of Rs.2.76 lakhs by debiting branch P/L travelling expenses and they are all proved with substantial evidence. That shows that he had failed to protect the interest of the bank and consequently the bank was exposed to huge financial loss on account of gross negligence, based on which the disciplinary authority also imposed the major penalty of dismissal which shall ordinarily be a disqualification for future employment in terms of Regulation 4(j) of Bank of India Officer Employees' (Discipline & Appeal) Regulations, 1976. On further appeal, the appellate authority also has confirmed the same and so is the case before the reviewing authority. When the petitioner faced with seven articles of charge, all were proved. However, during a lengthy hearing before me, I was unable to agree with all the

findings of the enquiry officer, for the reasons mentioned above. However, the question as to non-proving of any charge would pave the way for interference, has been answered by the Apex Court in the case of State of U.P. and others v. Nand Kishore Shukla and another, AIR 1996 SC 1561 ruling that it is a settled law that even one of the charges, if held proved and sufficient for imposition of penalty by the disciplinary authority or by the appellate authority, the Court cannot interfere. The relevant portion of the judgment is given as under:-

"7...The only question is: whether the disciplinary authority would have passed such an order. It is settled law that even one of the charges, if held proved and sufficient for imposition of penalty by the disciplinary authority or by the appellate authority, the Court would be loath to interfere with that part of the order. The order of removal does not cast stigma on the respondent to disable him to seek any appointment elsewhere. Under these circumstances, we think that the High Court was wholly wrong in setting aside the order."

52. Again the Apex Court in the case of State Bank of India v. Samardra Kishore Endow, CDJ 1994 SC 992, dealing with the power of the High Court under Article 226 of the Constitution of India while dealing with the departmental enquiry initiated against a public servant, has held that the High Court is not a Court of appeal over the decision of the authorities holding a departmental enquiry. The duty of the Court is to see that the rules of natural justice are followed or not. The relevant paragraph-12 of the said judgment reads as follows:-

"12.....The learned Judge also quoted with approval the observations of Mathew, J., in Union of India v. Sardar Bahadur to the following effect: (SCC p.624, para 19)

"Now it is settled by the decision of this Court in State of Orissa v. Bidyabhusan Mohapatra, that if the order of a punishing authority can be supported on any finding as to substantial misdemeanour for which the punishment can be imposed, it is not for the Court to consider whether the charge proved alone, would have weighed with the authority in imposing the punishment. The Court is not concerned to decide whether the

punishment imposed, provided it is justified by the rules, is appropriate having regard to the misdemeanour established."

53. Moreover, in a recent judgment in Central Industrial Security Force and others v. Abrar Ali, AIR 2017 SC 200, the Apex Court has ruled that it is not permissible in the exercise of jurisdiction under Article 226 of the Constitution of India to re-appreciate the evidence produced before the domestic enquiry. Paragraph-8 of the said judgment reads as follows:-

"The High Court should not have entered into the arena of facts which tantamounts to re-appreciation of evidence. It is settled law that re-appreciation of evidence is not permissible in the exercise of jurisdiction under Article 226 of the Constitution of India. In State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaiya, reported in (2011) 4 SCC 584, this Court held as follows:

"7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic inquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations.

(Vide B.C.Chaturvedi v. Union of India [(1995) 6 SCC 749: 1996 SCC (L&S) 80: (1996) 32 ATC 44], Union of India v. G.Ganayutham [(1997) 7 SCC 463: 1997 SCC (L&S) 1806], Bank of India v. Degala Suryanarayana [(1999) 5 SCC 762 : 1999 SCC (L&S) 1036] and High Court of Judicature at Bombay v. Shashikant S. Patil (AIR 2000 SC 22)".

54. Therefore, in the light of the above, when voluminous documents were placed before the enquiry officer, which were considered by both the disciplinary and the appellate authorities as well the review authority and all of them have reiterated the major penalty of dismissal from service on the petitioner in terms of Regulation 4(j) of the Bank of India Officer Employees' (Discipline & Appeal) Regulations, 1976, this Court finds it difficult to venture into re-appreciation of evidence sitting under Article 226 of the Constitution of India. Hence, for the reasons mentioned above, the writ petition fails and it is dismissed. Consequently, M.P.No.1 of 2015 is also dismissed. No costs.

55. However, before parting with the case, this Court places on record its appreciation for the services rendered by Dr.A.E.Chelliah, learned Senior Counsel for the petitioner in assisting the Court while making his lengthy arguments with the voluminous typed-set of documents prepared in the case.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

Ss

To

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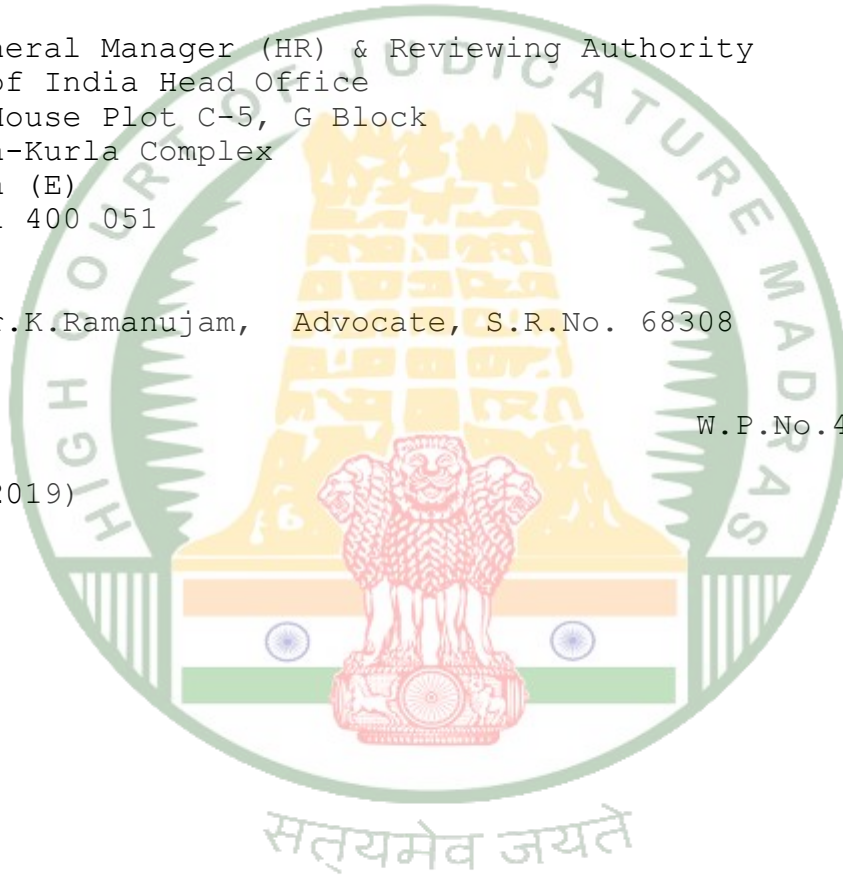
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W.P.No.4473 of 2015

SJ(CO)
GN(30/08/2019)



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