

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.04.2019

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.10435 of 2019
and
W.M.P.No. 10967 of 2019

A.Sriram

..petitioner

Vs

1.Indian Overseas Bank,
Represented by its Chief Manager,
Ekkattuthangal Branch
Chennai - 600 032.

2.The Deputy General Manager/Disciplinary Authority,
Central Office,
763 Anna Salai,
Chennai- 600 002.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in proceedings No. DO:EO (MN):VIG:F; 9390:6303:2018-19 dated 02.03.2019, quash the same and consequently direct the 1st respondent to give all the documents sought by the petitioner in its letter dated 27.02.2019 and provide further opportunity to the petitioner.

For Petitioner : M/s.L.P.Maurya for
Mr.G.R.Associates

For Respondents : Mr.K.Srinivasamurthy
for Mr.N.G.R.Prasad

WEB COPY
O R D E R

The order of rejection issued by the respondent in proceedings dated 02.03.2019, rejecting the claim of the writ petitioner to furnish certain documents which all are sought by the writ petitioner is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that in respect of certain important documents which all are sought

for by the writ petitioner to defend his case before the disciplinary authority has been denied.

3. The learned counsel for the writ petitioner states that on the same set of allegations, another employee was exonerated from the disciplinary proceedings and that order has not been furnished to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition. This apart, the subsistence allowance as admissible had also not been paid to the writ petitioner.

4. The learned counsel appearing on behalf of the respondent made a submission that the writ petitioner had already participated in the process of enquiry and he cross examined the witnesses and the enquiry officer concluded the enquiry on 08.03.2019 itself. Now, the Departmental Presiding Officer also had presented his arguments on 02.04.2019 and the delinquent officer has to submit his written submissions / objections and on receipt of the same, Enquiry Officer has to consider and submit his report to the disciplinary authority for further actions.

5. It is further contended that the documents relied upon, for the purpose of establishing the charges, were already furnished to the delinquent official. The delinquent official also had received the documents which all are relevant in respect of the allegations. This apart, the delinquent official completely participated in the enquiry proceedings and cross-examined the witnesses. As far as the payment of subsistence allowance is concerned, the Management has paid the subsistence allowance, and if at all any arrears of subsistence allowance is to be paid, the respondents are ready to pay, provided the writ petitioner submits all the necessary certificates or documents for the purpose of sanctioning of the subsistence allowance as admissible under the Rules.

6. This Court is of the considered opinion that the disciplinary proceedings initiated cannot be protracted or prolonged on the ground that the documents which all are not relied upon by the disciplinary authorities or to the delinquent officials. Undoubtedly, the authorities competent are bound to furnish all the documents which all are important for the purpose of establishing the charges. If the delinquent official is of the opinion that he requires some other documents which all are connected with the allegations, then, it is left open to him to secure those documents under the Right to Information Act or by receiving the copies from the persons in favour of whom such orders are passed. Contrarily, the delinquent official cannot seek all such relevant or irrelevant documents which all are not relied upon by the disciplinary authority.

7.This being the principles to be followed, this Court is of the opinion that the writ petitioner has not established any acceptable legal ground. This apart, enquiry proceedings had already been completed and the Presiding Officer had submitted his written submissions and the delinquent official is yet to be submit his written submission. On receipt of the written submission, the enquiry Officer has to consider his final report to the disciplinary authority enabling the authority to proceed with the disciplinary proceedings in order to conclude the same.

8. Under these circumstances, it is for the writ petitioner to submit his written submissions and submit representation claiming arrears of subsistence allowance if any to be paid and co-operate for the earlier disposal of the disciplinary proceedings in the interest of administration as well as the petitioner himself.

9. Accordingly, the present writ petition devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pns/kmm

To

1.The Chief Manager,
Indian Overseas Bank,
Ekkattuthangal Branch
Chennai - 600 032.

2.The Deputy General Manager/Disciplinary Authority,
Central Office,
763 Anna Salai,
Chennai- 600 002.

+1cc to M/s.G.R.Associates, Advocate, S.R.No.37956

+1cc to Mr.G.R.Prasad, Advocate, S.R.No.37874

W.P.No. 10435 of 2019

KJ(CO)

RRS (20/06/2019)