

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :28.03.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9390 of 2019
and
W.M.P.No.9974 of 2019

D.Ramesh

..Petitioner

vs

Union Bank of India,
Rep.by its Chief Manager,
Disciplinary Authority,
Department of Personnel
Nodal Regional Office,
T.Nagar, Chennai - 600 017.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, after calling for the records from the respondent in Ref.NRO:DP:1677 dated 21.03.2019 and quash the same.

For Petitioner : Mr.Rajmakesh S.

ORDER

The second show cause notice issued to the writ petitioner in proceedings dated 21.03.2019 is under challenge in the present writ petition.

2.On account of the allegation of production of files, certificates, in order to suit the qualification for recruitment to the Post of Peon/Hamal, the writ petitioner was issued with a memorandum of charges and an enquiry was conducted.

3.Enclosing the findings of the Enquiry Officer dated 14th August 2018, the second show cause notice is issued to the writ petitioner by the respondent in proceedings dated 21.03.2019. Challenging the said second show cause notice, the present writ petition is filed.

4.The learned counsel appearing on behalf of the writ petitioner, solicited the attention of this Court by stating that the second show cause notice states that the writ petitioner had not produced any new document for the consideration of the authorities competent. Contrarily, the petitioner had submitted 17 additional documents to establish his innocence with reference to the charge memorandum and those documents were not considered.

5. However, this Court is of the considered opinion that at this stage, merits and demerits cannot be considered by this Court. The authorities, on initiation of disciplinary proceedings, must be allowed to complete the same in all respects and a decision is to be taken by the competent authorities.

6. Intermittent intervention in departmental disciplinary proceedings are certainly not preferable as the interruptions would cause not only delay, but prevent the authorities competent from taking a decision by considering the materials as well as the report available on record. Only on exceptional circumstances, such interventions can be made by the Courts and in all other circumstances, the delinquent officials must face the enquiry in order to establish their innocence or otherwise. The Hon'ble High Court, while exercising the powers of judicial review shall restrict the interference during the progress of such domestic enquiries.

7. Undoubtedly, certain merits raised are to be considered by the authorities competent. However, the writ petitioner is at liberty to submit all such grounds now raised in the present writ petition before the competent authorities, enabling the authorities to consider the same with reference to the rules in force and based on the materials available on record, take a decision and pass final orders as early as possible. Contrarily, the Hon'ble High Court cannot entertain the merits now raised in the writ petition and all such complex or disputed facts and circumstances can never be adjudicated by the Hon'ble High Court under Article 226 of the Constitution of India. All such adjudications are to be done on verification of the original documents and files concerned.

8. This being the principles to be followed, the writ petitioner is at liberty to submit his representation/objections on the findings of the Enquiry Officer dated 14th August 2018 and the respondents are bound to consider the objections/explanations and accordingly, pass final orders on merits and in accordance with law as expeditiously as possible and without causing any undue delay.

9. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Chief Manager,
Union Bank of India,
Disciplinary Authority,
Department of Personnel
Nodal Regional Office,
T.Nagar, Chennai - 600 017.

+2ccs to Mr.S.Rajmakesh, Advocate, S.R.No.29485

W.P.No.9390 of 2019

VSN-II (CO)

RRS (05/04/2019)



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