

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.22311 of 2019

WMP.Nos.21615, 21618 & 21620 of 2019

S.Silambu Chelvi

.. Petitioner

Vs

1. The Zonal Manager,
Punjab and Sind Bank,
Zonal Office, 770-A, Anna Salai,
Spencer Towers, Chennai-600 002

2.The Assistant General Manager,
Assets Recovery Branch-I,
Bank House, 4th Floor,
21, Rajendra Place,
New Delhi-110 008

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records connected with the Impugned Charge Sheet dated 19.06.2019 issued by the first respondent to the petitioner and quash the same and consequently direct the second respondent to disburse of entire retirement benefits to the petitioner.

For Petitioner : Mr.P.K.Rajagopal

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the entire records connected with the Impugned Charge Sheet dated 19.06.2019 issued by the first respondent to the petitioner, quash the same and consequently direct the second respondent to disburse entire retirement benefits to the petitioner.

2. The grievance of the petitioner is that few days before his superannuation, he was issued with a charge memo dated 19.06.2019, to proceed against him for imposing major penalty under regulation 6 of the Punjab and Sind Bank Officer Employees(Discipline & Appeal) Regulations, 1981. The petitioner however, was permitted to retire from service, but her retirement benefits were with held. The petitioner at the time of being proceeded against, was working as a Manager in the Bank. In the charge memo, several allegations were made against the petitioner in discharge of her duties, which allegations amounted to serious act, of omission and commission by the petitioner while working as Branch Manager, In-Charge of the Zonal Office, Chennai from 17.08.2015 to 28.08.2017. The charge memo contains plethora of allegations regarding irregularities and fraud committed by the petitioner. The writ petitioner has come forward with the present writ petition, challenging the charge memo.

3. Mr.P.K.Rajagopal, learned counsel for the petitioner would submit that the charge memo has been issued in utter disregard to the principles of natural justice and pointed out certain discrepancies in the issuance of charge memo. The grounds which are raised in support of the writ petition, are found to be extremely sketchy and did not call for any interference from this Court at the preliminary stage of quashing of charge memo.

4. The averments and the grounds raised in the writ petition do not call for intervention in the disciplinary proceedings initiated against the petitioner at the preliminary stage itself. In fact, the petitioner has come forward with the present writ petition on the basis of factual averments and aspects claiming herself to be innocent. In case, the petitioner feels that she has been needlessly and unnecessarily issued with charge memo, it is always open to her to participate in the disciplinary proceedings and come out unscathed. Instead, she cannot approach this Court directly by-passing the entire disciplinary process and expect this Court to appreciate her defence on the basis of certain self serving factual averments. It is certainly not open to this Court to undertake such an exercise while exercising an extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Interference at the stage of charge memo, can be only on a limited ground, like for want of jurisdiction and in this case, such compelling grounds did not exist for this Court to entertain this writ petition at this stage.

5. In such view of the matter, this Court does not think that the writ petition can be entertained and the same is too pre-mature and therefore, this writ petition deserves to be

dismissed and hence, the same is dismissed. No costs.
Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Zonal Manager,
Punjab and Sind Bank,
Zonal Office, 770-A, Anna Salai,
Spencer Towers, Chennai-600 002

2. The Assistant General Manager,
Assets Recovery Branch-I,
Bank House, 4th Floor,
21, Rajendra Place,
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+1cc to Mr.P.K.Rajagopal, Advocate SR.No.65071

W.P.No.22311 of 2019

NR (CO)
GMY (12/09/2019)

सत्यमेव जयते

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