

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:07.08.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.22985 of 2019 and
W.M.P.No.22639 of 2019

M.R.Govindaraji

...Petitioner

Vs.

1.Deputy General Manager (B&O)
Disciplinary Authority
State Bank of India
Administrative Office
Chinnaiyan Towers
120/2 & 120/3, Cherry Road
Salem - 7.

2.The Regional Manager (RBO-IV)
State Bank of India
No.1B, Old Bangalore Road
Gowrishankar Hotel Complex,
Hosur - 635 109.

3.The Branch Manager,
State Bank of India,
A Mallapuram Branch
Palacode Taluk
Dharmapuri District.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorari calling for the records of the 1st respondent relating to the Charge Memo DIS/CON/41 dated 02.05.2019, quash the same.

For Petitioner : Mr.M.Ravi

ORDER

The writ petition is filed against the charge memo dated 02.05.2019 against the petitioner containing nine articles of charges. The charges relate to numerous irregularities alleged to have been committed by the petitioner while he was discharging his duties as Rural Marketing and Recovery Officer at A.Mallapuram Branch from 02.08.2010 to 26.07.2012. According to the charge memo, the charges alleged tantamount to misconduct

in terms of Rule 66 of the State Bank of India Officers' Service Rules and by issuance of the charge memorandum, a major penalty proceedings have been initiated against under Rule 68(1) of State Bank of India Officers' Service Rules.

2.The petitioner, without submitting his explanation on merits in response to the charge memorandum, has approached this Court challenging the same by raising several grounds viz., the charges are very vague, contradictory etc. The charges were also belatedly issued as the alleged occurrence had taken place between 2010 and 2012. The charges were also selective and discriminatory and the petitioner was made scapegoat without proceeding against the actual offenders concerned. Likewise, several grounds have been raised on the basis of certain factual aspects and urged this Court to quash the charge memorandum.

3.In fact, from the grounds raised in the affidavit filed in support of the writ petition, as many as 20 grounds contending the charge memo is required to be interfered with by this Court. In fact, the petitioner has dealt with each of the articles of charges and given his factual explanation as to how the so called charges are without any basis.

4.This Court is unable to appreciate as to how the petitioner could draw the attention on certain factual aspects and hold the charge memorandum is not maintainable against the petitioner. In case, the petitioner strongly feels that he has been proceeded against wrongly and discriminatorily, it is always open to him to participate in the disciplinary action and prove his innocence and he can come out unscathed in the disciplinary proceedings. However, it is certainly not open to the petitioner to approach this Court at the very threshold of issuance of charge memorandum and expect this Court to come to his rescue by quashing the charge memorandum.

5.On the whole, it appears that there is no strong ground urged before this Court in order to interfere with the disciplinary action at the stage of issuance of charge memorandum. The charge memorandum can be interfered by this Court, while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India only in compelling and exceptional circumstances, particularly on the ground of jurisdiction or the charges were extremely vague or the same was issued on mala fide consideration. In the opinion of this Court, none of the compelling grounds exist in the present case in order to invite the jurisdiction of this Court to interfere with the charge memorandum by preventing the respondents from proceeding against him to enquire into the charge memorandum. This Court therefore is of the view that the challenge to the charge memorandum appears to be without any merit and substance

and the same has to fail.

6.For the above said reason, the Writ Petition is dismissed as without merits and substance and the same being not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

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+1 CC to Mr.M.Ravi, Advocate sr 68019.

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RSI (CO)
SP(16/09/2019)