

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4030 of 2019

M.R.Govindaraji

... Appellant/Petitioner

Vs

1. The 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: Appeal under Clause 15 of the Letters Patent against the order dated 7.8.2019 passed by the learned Single Judge in W.P.No.22985 of 2019.

Prayer in W.P.No.22985 of 2019:

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 2.5.2019 quash the same.

For Appellant

: Mr.M.Ravi

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard learned counsel for the appellant.

2. The appeal prefers to question the correctness of the impugned judgment of the learned Single Judge dismissing the writ petition filed by the appellant challenging the charge memo dated 2.5.2019 issued to the appellant levelling certain allegations and for proceeding with the disciplinary enquiry against him.

3. The charge memo along with the annexure enlists nine charges relating to alleged financial misappropriations and irregularities and the appellant instead of contesting the same filed a writ petition for quashing of the said charge memo on the ground that the appellant has been selectively picked up for facing disciplinary enquiry that too even without supplying the necessary documents that are required for the purposes of defence by the appellant. It is, therefore, urged that the learned Single Judge erred in dismissing the writ petition without taking into account the contentions that had been advanced.

4. It is also stated at bar by the learned counsel for the appellant that another writ petition, being W.P.No.35542 of 2019, has been instituted, where the grievance raised is about non supply of relevant documents.

5. An additional typed set of papers has also been filed for taking aid of the office order of the Central Vigilance Commission dated 30.9.2015 to contend that an FIR has also been lodged and, therefore, a parallel proceeding by the respondents should not be allowed to be continued. To substantiate the said submission, learned counsel has relied on the Apex Court judgment in Stanzen Toyotestsu India Private Limited v. Girish.V and others, (2014) 3 SCC 636.

6. Having considered the submissions raised and keeping in view the nature of the charges that have been alleged against the appellant, we find no justification for quashing of the same

at this stage. The allegations being of serious financial impropriety, deserve to be investigated keeping in view the nature of the post that was held by the appellant, namely that of a Rural Marketing and Recovery Officer of the State Bank of India.

7. The question as to whether the appellant is being selectively targeted or otherwise victimized, as alleged, would be dependent on the investigations that are to be made in the enquiry and it is open to the appellant to take any such defence which may be available to him.

8. So far as the issue of supply of documents is concerned, since the appellant has already filed a separate writ petition, it is not necessary for us to dwell into this issue.

9. With regard to the contention that a criminal case has already been instituted and, therefore, the disciplinary proceedings should not continue on the strength of the judgment in the case of Stanzen Toyotetsu India Private Limited (supra), suffice it to say that the very same judgment takes into account the entire gamut of law on the subject where departmental proceedings can simultaneously be pursued in the contingencies referred to therein. We are, therefore, of the opinion that the same cannot be a ground to quash the charge memo.

10. The writ petition was, therefore, rightly dismissed and the conclusion drawn by the learned Single Judge does not suffer from any infirmity. The writ appeal is consigned to records with liberty to the appellant to contest the matter before the appropriate forum in accordance with law. Consequently, C.M.P.No.25255 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

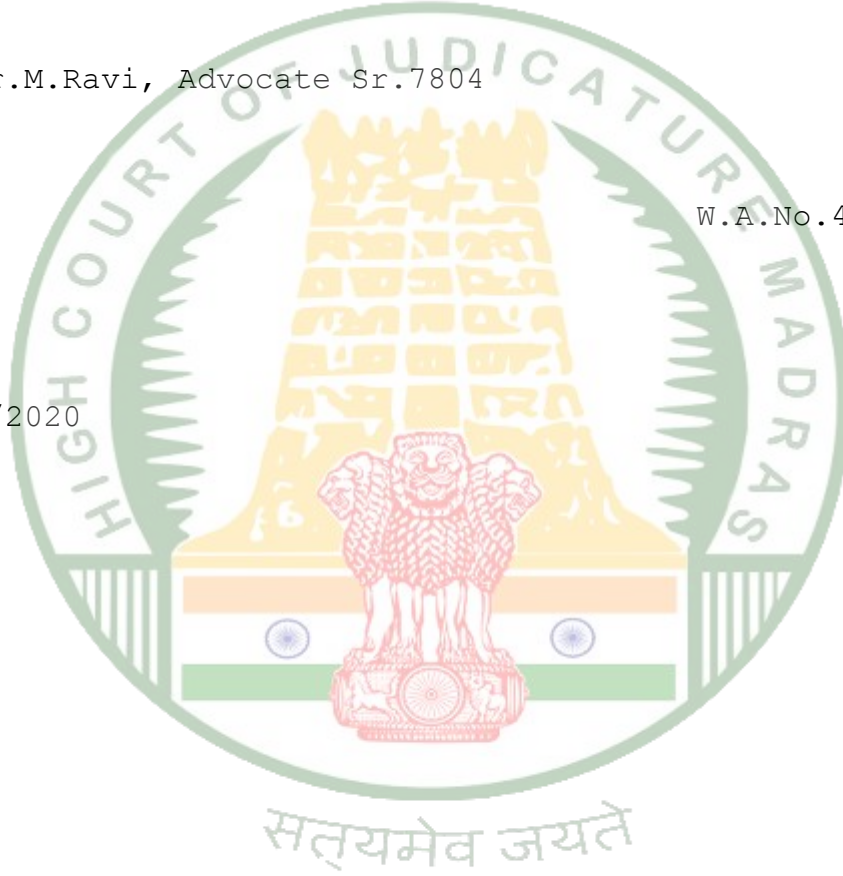
2. The Regional Manager (RBO-IV)
State Bank of India
No.1B, Old Bangalore Road
Gowrishankar Hotel Complex
Hosur - 635 109.

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

+1cc to Mr.M.Ravi, Advocate Sr.7804

W.A.No.4030 of 2019

vba[co]
srg 19/02/2020



WEB COPY