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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.5254 of 2020

and

W.M.P. (MD) .Nos.9927 and 4579 of 2020

S.Raja

... Petitioner

Vs.

1.The Deputy General Manager,
(Disciplinary Authority),
Administrative Officer,
State Bank of India,
No.2, Dr.Ambedkar Road,
Madurai 625 002.

2.Ms.K.Vanitha

3.Mr.C.Krishnan

4.Mr.A.Alwin Martin Joseph

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the first respondent to furnish records pertaining to the disciplinary proceedings conducted against the second respondent with respect to an incident dated 31.07.2015 that had taken place when she was working at Thingal Nagar Branch.

For Petitioner	: Mr.S.Suresh
For R1	: Mr.M.Ponniah

O R D E R

This writ petition has been filed for a direction to the first respondent to furnish records pertaining to the disciplinary proceedings conducted against the second respondent with respect to an incident dated 31.07.2015, that had taken place when she was working at Thingal Nagar Branch.

2. The only contention of the petitioner is that he made a request to the first respondent to furnish the report of the disciplinary proceedings conducted by him, but he has not provided any such report to the petitioner. Further, the first respondent has initiated the disciplinary proceedings against the petitioner. Therefore, it is a very vital document to conduct his case and in spite of several requests made, the first respondent has not



furnished the same. Hence, the petitioner has approached this Court seeking direction to the first respondent to furnish the report of the disciplinary proceedings.

3. The learned counsel appearing for the first respondent submitted that he has conducted the enquiry in a fair manner and he is ready to provide such report, in case if the Court directs the first respondent to provide the same.

4. Heard the learned counsel for the petitioner, learned counsel for the first respondent and perused the materials available on record.

5. Upon hearing the submissions made on either side and on perusal of the records, it appears that the first respondent has initiated the disciplinary proceedings against the petitioner and the enquiry proceedings also conducted by the first respondent and the enquiry was concluded and now the said report is vital document to prove the petitioner's innocence. In the present case, the petitioner is asking only an enquiry report and if the said report is not provided, it may affect the interest of the petitioner. Therefore, this Court is of the view that it would be appropriate to direct the first respondent to furnish the enquiry report, taking into consideration of the submissions made by the learned counsel for the petitioner as well as the learned counsel for the first respondent. Accordingly, this Court directs the first respondent to furnish the enquiry report with regard to the incident dated 31.07.2015, within a period of one week from the date of receipt of a copy of this order.

6. After passing this order, the learned counsel appearing for the first respondent submitted that the time limit may be fixed for the entire disciplinary proceedings. However, the learned counsel appearing for the petitioner has made strong objections for fixing the time limit, since he made a request for some other documents like CCTV Footage for Camera No.I, dated 31.07.2015, supervisory and advisory slips generated by ATM from 31.07.2015 to 27.08.2015. Therefore, these are very vital documents to prove the petitioner's innocence in the alleged commission of offence. For the said submissions, though the learned counsel for the first respondent initially made an objection, subsequently he is ready to provide CCTV Footage for Camera No.I, dated 31.07.2015, supervisory and advisory slips generated by ATM from 31.07.2015 to 27.08.2015.

7. In view of the above, this Court directs the first respondent to furnish the enquiry report as well as the above said documents to the petitioner, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the petitioner is directed to give his reply to the first respondent within a period of two more weeks and thereafter the first respondent is directed to complete the entire disciplinary



proceedings, within a period of four months. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (P & A)

/ /2021

Sub Assistant Registrar(CS)

akv

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Deputy General Manager,
(Disciplinary Authority),
Administrative Officer,
State Bank of India,
No.2, Dr.Ambedkar Road,
Madurai 625 002.

+1cc to Mr.S.Suresh, Advocate Sr.No.25941

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16.12.2020

SGS (CO)

NR (06/01/2020) 3P : 3C