



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No. 753 of 2021

S.Mayilerinathan

: Appellant/Petitioner

Vs.

1.The Regional Manager,
RBO - II,
State Bank of India,
No.2, Dr.Ambedkar Road,
Administrative Office,
Madurai - 2.

2.The Enquiry Officer and
Chief Manager (LPC - RBO - II),
State Bank of India,
No.2, Dr.Ambedkar Road,
Administrative Office,
Madurai - 2.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 16.02.2021 made in W.P.(MD)No.7424 of 2016.

Prayer in WP(MD) . 7424/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling the records relating to the proceedings of the 2nd respondent made in DIS/CON/491 dated 12.4.2016 and 13.4.2016 and quash the same and consequently permit the petitioner to enquire DGM as Witnesses and recall prosecution witness.

For Appellant : Mr.R.Murali

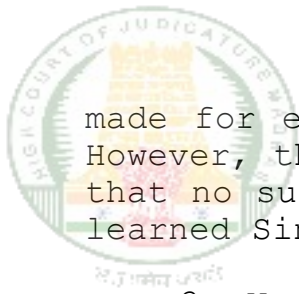
For Respondents : Mr.M.Ponniah

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This appeal has been preferred by the appellant aggrieved against the order of the learned Single Judge, who, though granted the relief sought for by the appellant for recalling of the witnesses, did not grant the other relief to examine the Deputy General Manager, which the appellant seeks before us.

2. The learned Counsel appearing for the appellant submitted that the learned Single Judge ought to have considered the request



made for examining the Deputy General Manager (DGM) on his behalf. However, the learned Counsel appearing for the respondents submitted that no such request has been made and that the order passed by the learned Single Judge is a consent order.

3. We do not find any merit in this appeal. The appellant has dragged on the matter quite successfully. We are dealing with a case, where the co-delinquents got the proceedings concluded, resulting in final orders having been passed. It is trite that it is for the department to substantiate the charge, in a departmental proceedings. The appellant cannot insist that the Deputy General Manager should be directed to be examined by him. There is nothing on record to show that the Deputy General Management is in fact willing to depose on behalf of the appellant. It is the contention of the respondents that the Deputy General Manager has got no role to play in this proceedings.

4. Considering the above, especially, in the absence of any material to show that the Deputy General Manager is willing to depose on behalf of the appellant and that the order of the learned Single Judge being a consent order, we are of the view that the appeal deserves to be dismissed.

5. Accordingly, the writ appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Regional Manager,
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Madurai - 2.
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W.A. (MD) No. 753 of 2021

+1 CC to M/s.R.MURALI, Advocate (SR-14986[F] dated 01/04/2021)

+1 CC to M/s.M.PONNIAH, Advocate (SR-14980[F] dated 01/04/2021)

W.A. (MD) No. 753 of 2021
31.03.2021

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